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HISTORY OF NEBRASKA

FROM THE EARLIEST EXPLORATIONS OF THE
TRANS-MISSISSIPPI REGION

BY

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AND

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A REVISED EDITION

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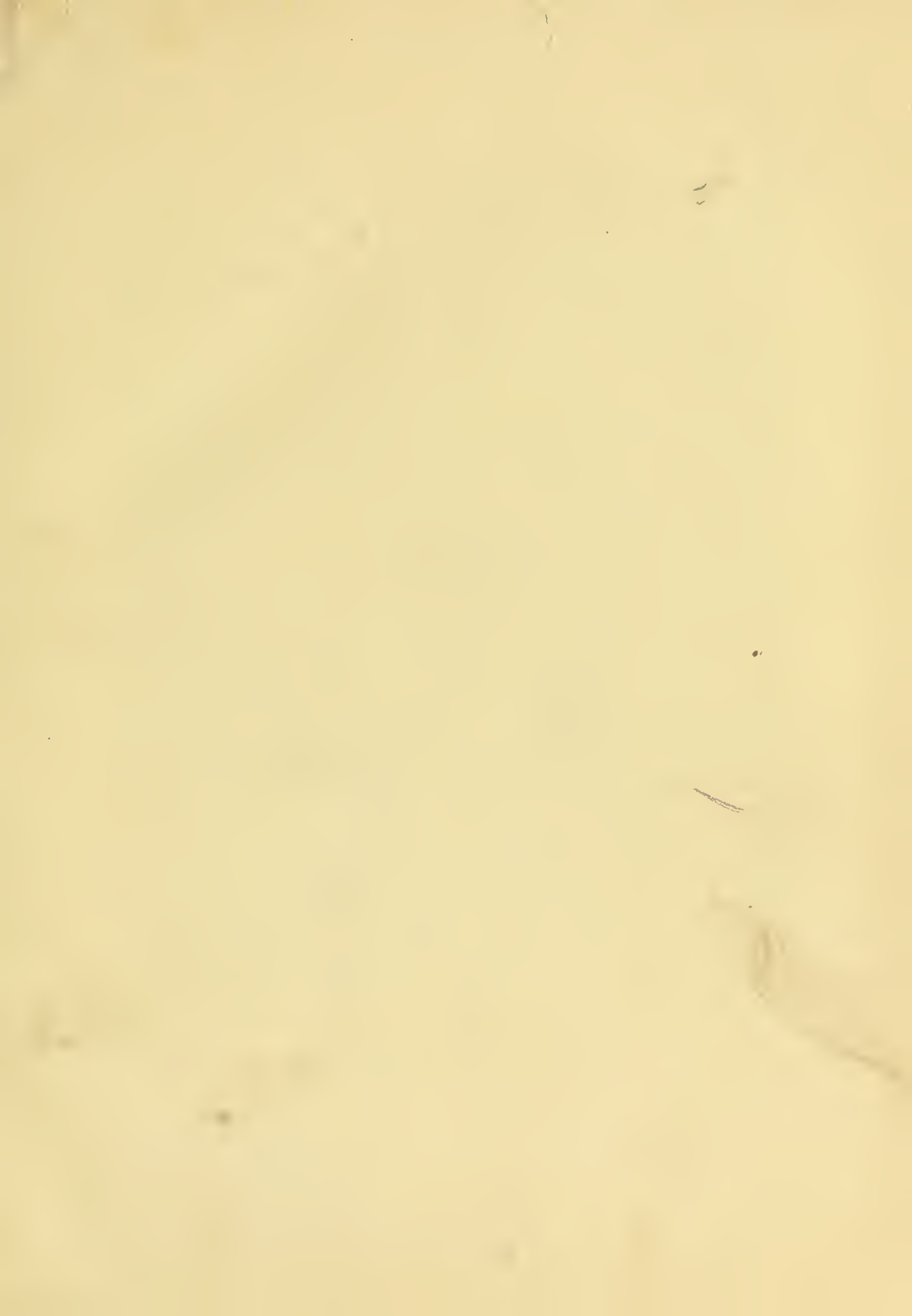

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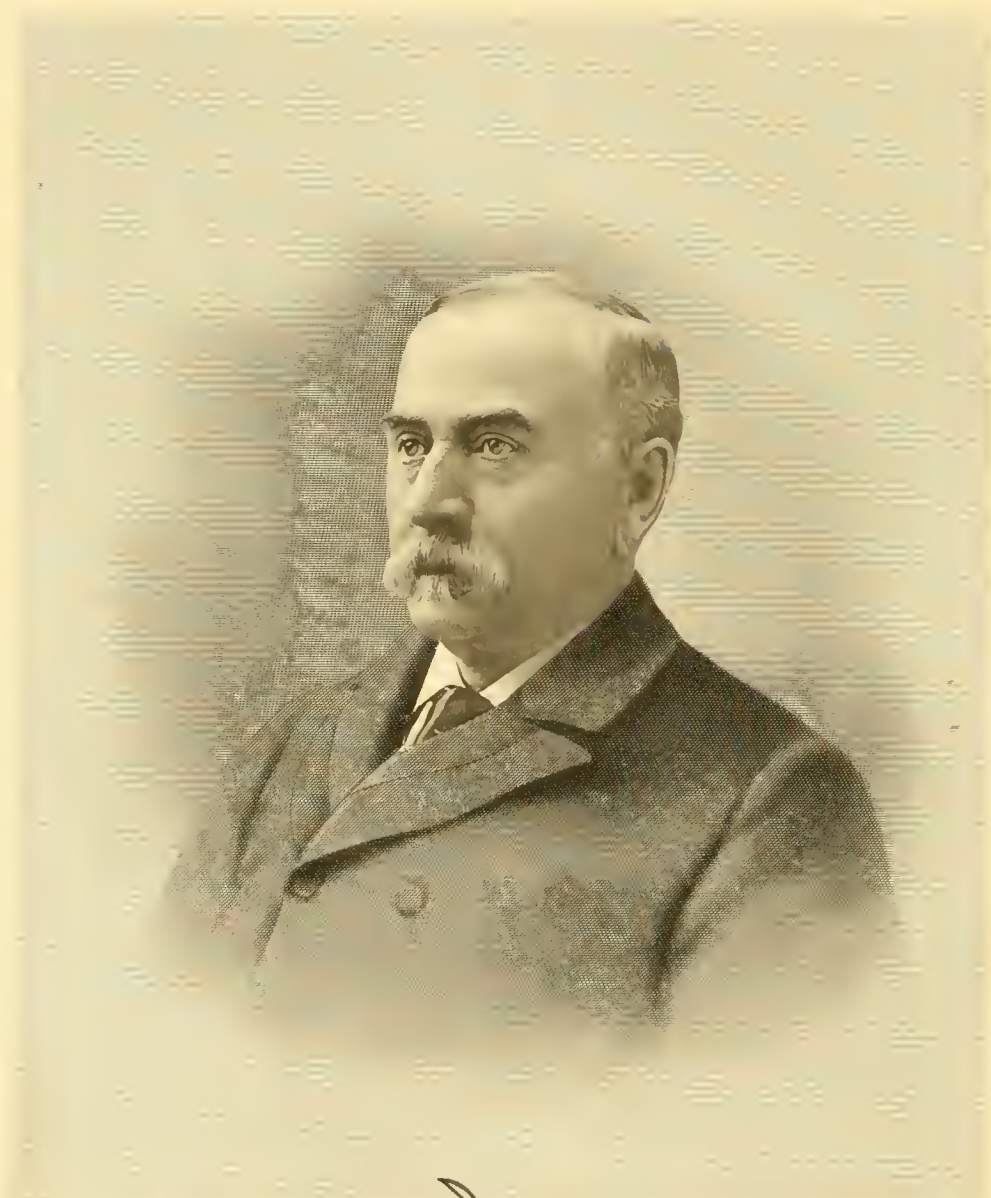




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1906

HISTORY OF NEBRASKA





E. S. Henry & Co. Jr.

Chicago

William H. Norton

DEDICATED

To the memory of the strong men and noble women who dared the dangers and endured the hardships of pioneer life in the "Great American Desert"; who first plowed and planted these Plains, who here first built and consecrated homes, and who laid the foundations of an enduring civilization.

A STATEMENT BY THE PUBLISHERS

The publishers take pleasure in presenting to the people of the state and of the country this History of Nebraska. While it is the history prepared by J. Sterling Morton and Albert Watkins, it is much more. It is a careful and a thoughtful revision of their edition which was completed in 1911 and 1913.

The revision has been made in the light and according to the following guiding principles:

1. To preserve, as far as possible, the order and the current of events as they are presented in the former work.

2. To furnish, at reasonable cost and within moderate space, a trustworthy history of the days of exploration and discovery, of the pioneer sacrifices and settlements, of the life and organization of the territory of Nebraska, of the first fifty years of statehood and progress, and of the place Nebraska holds in the scale of character and civilization.

3. This revision is the result of a conscientious and painstaking effort to preserve the unity and spirit, the aim and purpose of the original work. Where changes have been made they have been to bring the parts together, to preserve the unity and harmony of statement, and to add important events which have taken place since the publication of the parent work. Changes have been made, also, to include the events and progress which fall within the semi-centennial period which had not taken place when the larger work was written.

4. It has been the specific aim to include the facts of life and the events in history which exhibit for the people of today and for those who are to come after us a true picture of the plains of Nebraska and to give a trustworthy account of the progress which has been made during the years which lie between the date when the first hunters and trappers saw the Platte river and valley and March 1, 1917—the end of the first semi-centennial of the state.

5. The publishers take the opportunity to say that no mention is made of the activity, loyalty, and patriotism of the people of Nebraska in the great war now raging in Europe. It must be apparent to all that the time has not come to recount the deeds of valor of our soldiers in the army and navy and to record the devotion and contributions of the people to the cause of freedom and for the relief of the distressed, the comfort of the sick and wounded, and for the deliverance of the oppressed. For, in all probability, we are nearer the beginning than the end of the great struggle—the task we have undertaken because of the cry

of the oppressed and in answer to the call of humanity. It is the purpose of the publishers, when the war is over, to present to the public a volume giving Nebraska's record in the great war. Enough has been done during the fourteen or fifteen months since the United States declared a state of war exists and took her place with the allied nations, to assure us that Nebraska's record will be worthy of the great cause in which we are engaged and of the loyalty and patriotism of a free, intelligent, and independent people.

WESTERN PUBLISHING AND ENGRAVING COMPANY.

LINCOLN, NEBRASKA, JULY, 1918.

INTRODUCTION

Two or three statements may aid us in appreciation of history in general, and more particularly they may help to show the value, for all citizens, of local and state history. They will enable us to understand and to realize that he lives the best and most useful life, both for himself and for all with whom he is in any way connected, who lives in the present, who makes a wise use of all the past, and who provides as far as possible for the future.

This relation of past, present, and future points to the true meaning of history and helps us to determine its real significance. It suggests the most significant thing in the study of history, whether it relates to a community, to a state, to a nation, or to the world. This is the case whether history is one of the means of mental growth and intelligence and a source of enrichment of life, as in the case of a student, or from the standpoint of the busy man or woman who has time for only a few pages in a week. This meaning and significance may be expressed thus: We study history that we may know how the present came to be—how the present came out of the past—what the relation of the present is to the past, and, then, by a wise use of the knowledge we gain and the strength we acquire we may prepare for the future. This is the practical, everyday side of the knowledge of history. From this point of view history has a meaning and a significance which are beyond our ability to measure.

2. A second thing worth while to mention in this connection is this: Every state in the federal union has certain things which distinguish it from others. These special characteristics may be in the relative position, in the form or contour of the surface, in the richness or poverty of the soil, in the depth or shallowness of the subsoil, in the water supply, in the presence or absence of trees, in the quality, quantity, and variety of the native fruits, in the size and number of its watercourses, in its exposure to or protection from destructive storms, in the life and character of the native peoples, in the aim, spirit or purpose of the first settlers, in the adaptation of the earlier and later inhabitants, in the changing conditions which advancing civilization imposes, or any one or more of a hundred other peculiarities.

While these qualities are often difficult to find in advance they determine the trend of development and fix within definite limits the extent and character of the progress and civilization of the inhabitants.

The foregoing statements and that which they suggest about the state explain in part that which has been accomplished and that which Nebraska is at the end

of the first semi-centennial period. This is the case because the trend of growth and development was determined in part by the physical features upon which the social, economic, political, educational, and religious forces have acted and reacted. Had they been different the history of those who came to build an enduring civilization would have been different. The divine hand through nature's forces and laws laid the foundations of a commonwealth and the builders have erected a structure worthy of themselves, of the opportunities which were theirs, and of the physical conditions into which they came.

3. A third thing which may be in place in this introduction as we think of the significance of history and of the relation of the past to the present and to the future, is the complete transformation which has taken place in the valleys and on the plains of Nebraska within much less than one hundred years. What does that transformation say when we question the future? What is the answer when we ask what the future ought to be in the light of the growth of the past? And again when we see the answer in the light of the condition of the present? Do we have the courage of the real conviction necessary to face the future with its ever-increasing demands? Do we possess the knowledge of the past and likewise the ability and skill to use the forces and institutions of the present and thus make the future worthy of the past and of the present? Have we the wisdom which the past is willing to supply and the strength which knowledge gives so completely at our command that we can make the physical well-being, the intellectual attainments, the moral worth and spiritual excellence of the future worthy of the past and present? In the light of that which the history of Nebraska unfolds, what kind of a future will discharge the debt we owe the future? Think of the comparatively short time since the great stretches of Nebraska lands were occupied by Indian tribes and herds of buffalo, and of the very few years since the Oregon and Mormon trails were followed by the thousands of people who sought homes and fortunes in the far West! A little study will teach us what and when and how our forefathers accomplished, in so brief a space, so great a transformation. The pages of this semi-centennial history show us by what means our children and our children's children may be worthy of the log cabin, the sod house and the ox team of our fathers. To make our children and ourselves worthy sons and daughters of noble men and devoted women is one of the chief purposes of this publication.

J. A. BEATTIE.

LINCOLN, JULY, 1918.

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HISTORY OF NEBRASKA

HISTORY OF NEBRASKA

CHAPTER I

NATURAL CONDITIONS — GEOLOGY — ARCHÆOLOGY — CLIMATIC CONDITIONS — VEGETATION —
FAUNA

IN THE long run physical environment, such as soil, climate, and topography, shape the man and the society; but human character and social propensities, formed in older states and in other and older countries, have been transplanted into this new state, and while, according to a marked American instinct or characteristic, the people have been quick to adapt themselves to a somewhat important change of conditions, yet the time during which they have been subject to them has been too short appreciably to change their character or social aspect. If they had only the richest and most easily tillable soil in the world to conjure with, this might tend to breed mental and esthetic dullness; but they have been saved from this influence by the rarefied and bracing atmosphere, by the sunshine in which they are almost perennially bathed, as well as by certain adverse climatic conditions which challenge their vigilance and ingenuity. While the people of the Plains have missed the comforting companionship of brooks and hills and groves, whose friendly presence sustained the courage and inspired the esthetic sense of the settlers of the Mississippi valley, yet these Plains have a beautiful aspect of their own which often inspired the limning pen of Irving and engaged Cooper's romantic eye. The illimitable expanse of landscape, the unrivaled beauty of morning and evening lights and shades, the marvelous clearness of the air, however monotonous, do not fail to excite the

esthetic sensibility and widen the spiritual vision of the people.

But when Irving undertook to estimate the material value, and to picture the future usefulness and development of this vast prairie empire, he looked with blindfold eyes and painted a dismal black:

It is a land where no man permanently abides. . . . Such is the nature of this immense wilderness of the far West, which apparently defies cultivation and the habitation of civilized life. Some portions of it along the rivers may partially be subdued by agriculture; others may form vast pastoral tracts like those of the East; but it is to be feared that a great part of it will form a lawless interval between the abodes of civilized man, like the waters of the ocean and the deserts of Arabia; and like them be subject to the depredations of the marauders.¹

And then, as this polished poet-historian continues to contemplate the lugubrious prospect, his style, in general the refinement of grace, dignity, and self-control, breaks into an almost grotesque delineation of the fate of a land which was destined within the space of a man's life to become "the home, the portion fair" of nearly ten million prosperous and happy people. And Cooper, the leading romanticist of that day, observes in *The Prairie* that the plains are "in fact a vast country incapable of sustaining a dense population in the absence of the two great necessities" — wood and water. This great story-teller affected a knowledge of geology, but it was not pro-

¹ *Astoria*, pp. 258-259.

found enough to penetrate to the inexhaustible sheet of subterranean water which, fed by the eternal snows of the Rocky mountains, is coextensive with the great slope between these mountains and the Missouri river and within



Morrill Geological Expedition, 1906.

ARIKAREE FALLS

Ten miles east of Valentine, Neb., fed by Sand Hill springs and leaping over a wall of Arikaree sand rock. First plunge, eighty-five feet; second, fifteen feet. These are the loftiest falls in the state.

easy reach of the modern and post-Irving-Cooper windmills which now dot these plains in such profusion that they would set a whole legion of Don Quixotes in simultaneous frenzy. Nor could the lively imagination of

these great romancers foresee the practicability of the substitution for the lacking wood, of the great deposits of coal in the adjacent mountains and underlying a large part of these vast plains, because railroad transportation was beyond Irving's ken or fancy and Cooper's practicable view. As to this, Cooper skeptically remarks: "It is a singular comment on the times that plans for railroads across these vast plains are in active discussion, and that men have ceased to regard these projects as chimerical."

And Long, in the story of his expedition of 1819, gives the following hopeless characterization to the Nebraska plains, which, in their easterly portion at least, for prolific production of live stock and of the forage which sustains them, including the staple cereals, and for ease of cultivation and lasting fertility, excel any other region of so large an area in the world:

The rapidity of the current (of the Platte river) and the great width of the bed of the river preclude the possibility of any extensive inundation of the surrounding country. The bottom lands of the river rise by an imperceptible ascent, on each side, extending laterally to a distance of from two to ten miles, where they are terminated by low ranges of gravelly hills, running parallel to the general direction of the river. Beyond these the surface is an undulating plain, having an elevation of from fifty to one hundred feet, and presenting the aspect of hopeless and ir reclaimable sterility.

Logically Long's conclusion as to the hopeless sterility of the plains of the Platte should be an inference from the misstatement of fact by Marbois, made as late as 1830, in his history of Louisiana (p. 350): "On the two sides of the river 'Plate' are vast plains of sand from an hundred to an hundred and fifty leagues in extent where no indication of living creatures is to be found." The ignorance of Marbois is not as inexcusable or remarkable as the lame logic of Irving and Long, for the abundance of wild animals with which they perceived the plains were stocked, would have suggested to them that the region would be peculiarly adapted, under cultivation, for the sustenance of domestic animal life.

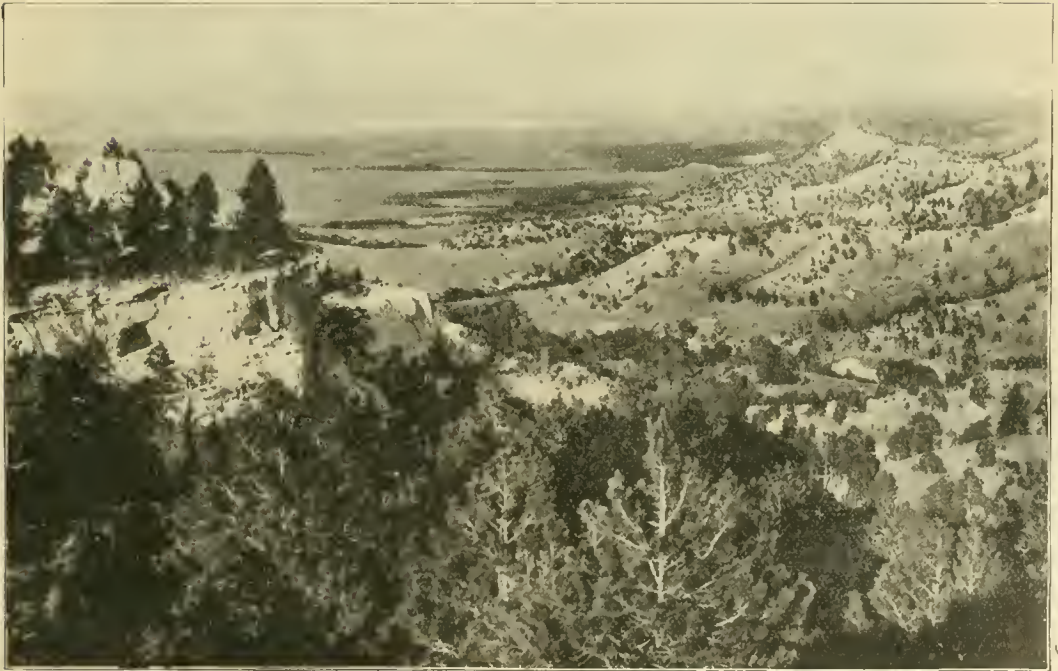
When some phenomenon which may have



Photograph, Morrill Geological Expedition, 1895.

BAD LANDS

Bad Lands of Brule formation (Oligocene) two and a half miles west of the Burlington & Missouri railway station at Adelia, Sioux county, Nebraska, looking northwest.



Photograph, Morrill Geological Expedition, 1895.

PINE RIDGE

North face of Pine Ridge at Warbonnet canyon looking north across the Hat creek basin toward the Black Hills outlined in the distance. The pine covered cliffs are Arikaree formation. The white patch in the distance is the Brule clay of the Little Bad Lands, Sioux county, Nebraska. Beyond the Brule clay the Pierre formation begins.

been an eternal fact or is a manifestation of an eternal law of nature, but which has been hidden from our imperfect understanding, is, from the changing point of view or in the natural course of events, suddenly revealed, we call it Providence. And so this vast hidden reservoir of water and the man-wrought miracle of the steam railroad, which opened the way for the waiting millions, were the Providence of these Plains. Because Irving and Cooper and their compeers failed mentally or physically to penetrate to the one and to divine the coming kingdom of the other, they consigned the whole region to the doom of eternal desolation. God indeed moves in a mysterious way his wonders to perform. This "wilderness which apparently defies cultivation and the habitation of civilized life" is the granary as well as the shambles of the world. Of two typical states — Iowa and Nebraska — which cut through the heart of the Plains, the first is the imperial agricultural commonwealth of the richest farming country of the world, and in the production of the great food staples the other lags but little behind.

During incalculable numbers of centuries there was a like providential preparation on the surface of these plains of the richest soil in the world to cover so wide an area.

GEOLGY.² From a geological standpoint Nebraska doubtless stands as the most distinctly agricultural state in the Union, yet it is not without other resources of economic importance. Its rocks are undisturbed sediment, and its geology is apt to be regarded as simple in the extreme and its topography as that of an undiversified plain; but investigation shows the state to be diversified and interesting and even startling in the boldness of certain physiographic regions. The altitude varies from a general level of about a thousand feet along the Missouri river to that of over five thousand feet some four hundred miles further west in the state. At this distance the prairie lands of the eastern portion, which are sometimes level but often rolling, begin to merge

into the tables and lofty buttes of the western edge of the state. The climatic conditions vary somewhat with the distance westward, and are comparable with those of Ohio and Indiana. In general the atmosphere is dry and considered quite as favorable to health and longevity as the more famous air of Colorado.

The rainfall of the eastern portion is about twenty-three inches and the evaporation four feet, while the precipitation of the western portion may fall as low as twelve to fifteen inches with an evaporation of six feet. The geology of Nebraska is seemingly complex, chiefly because the strata are so deeply buried that they are not exposed for study. First, the strata sag or dip to the west, not appearing again until the flanks of the Rocky mountains are reached, thus forming a deeply buried trough. Second, the beds are covered by loose surface materials which are very distinct and generally recognized as bluff deposit or loess, glacial drift, and sand-hills. All of the southeastern half of the state is covered more or less deeply by loess, which is a sandy loam of glacial origin of a light yellow color and of inexhaustible fertility. The northwestern half is covered largely by sand-hills resulting from the action of wind in transporting and piling up the disintegrated sand of Tertiary rock. The loess being as thick in many places as one hundred feet, and the sand-hills as thick as three hundred, it is plain that Nebraska rocks are concealed, and that they are not to be found except where streams have trenched the superficial beds.

Along the streams of southeastern Nebraska the limestones are found, which are well known because they are extensively quarried. These belong to the Coal Measure or the Carboniferous age, the oldest rock in the state. Though rich in beds of limestone and productive beds of valuable clays and shales, our Carboniferous rock is poor in coal, the best seam being scarcely more than eighteen inches thick and encased in tenacious shale. Exposures of Carboniferous rock are common along the streams in Richardson, Pawnee, Nemaha, Johnson, Otoe, Cass, Sarpy, Douglas,

² For this description of the geology of Nebraska we are indebted to Erwin Hinckley Barbour, Ph.D., professor of geology in the University of Nebraska; state geologist and curator of the state museum.—ED.

and Washington counties, and in scattered patches as far west as Lancaster and Gage counties. From an economic standpoint this is the most important geologic formation in the state, since it yields the limestone for lime, rubble, riprap, building, smelting, sugar refining, and flint for ballast, as well as enormous amounts of excellent clay for brick, tile, and terra cotta.

The Carboniferous is lost west of Lincoln by dipping under beds of the Cretaceous age and by sinking several thousand feet before again coming to the surface in the mountains. If the state could be divested of its great mantle of soil and sand, Cretaceous clays and

artesian water, building stone (which, though ocherous and soft, is often put to use), and beds of superior clay, which furnish brick of all desired colors and kinds. It also furnishes a large amount of sand for building purposes, and, from a layer near its base, the best gravel in the state. Overlying the Dakota is the Benton Cretaceous, consisting essentially of a white layer of chalk rock overlying a layer of black shale. It may be traced along the Republican river from Harlan county to Hebron, Endicott, Milford, Niobrara, and westward along the Niobrara river to Boyd county. Economically this layer may become important. The chalk rock is quarried for lime and build-



Morrill Geological Expedition, 1906.

SCHLEGEL RAPIDS AND FALLS

Southwest of Valentine, Cherry county, Nebraska, in the Arikaree formation. Plunge, about twelve feet; width, about fifty feet.

shales would predominate. As it is, they occur in widely scattered patches along the courses of streams.

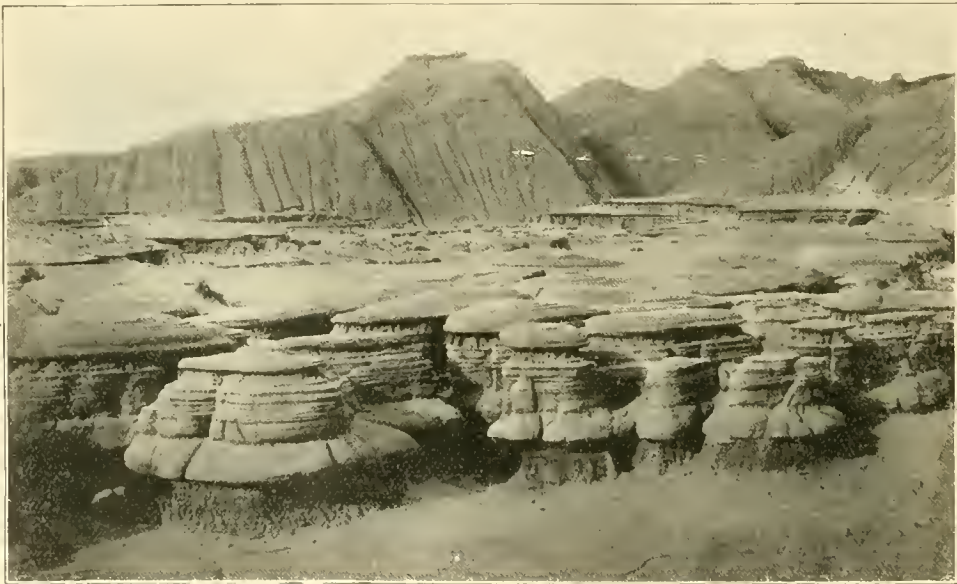
Though enormously thick and broad in extent, our Cretaceous rock is known by small, local patches. The oldest Cretaceous layer, the Dakota, being the water-bearing bed, is the best known as well as the most important. It consists largely of rusty sands and beds of clay which may be traced from Jefferson county northeast to Dakota county and beyond. Economically, this formation of sparsely exposed rock is of the greatest importance to the Plains, yielding excellent water, including

ing purposes. Being very soft when "green," it is commonly cut into proper shape with ordinary hand-saws, and, after drying and hardening, is laid up with mortar in the usual way. In this layer is found also an undeveloped resource of great promise, in as much as the chalk rock, when properly tempered with the shale, gives an hydraulic cement of excellent quality. Next above the Benton comes the Pierre formation, ordinarily spoken of as Pierre shale because it consists essentially of shale throughout its extent. In western Nebraska it attains a thickness of several thousand feet. Though broad in extent, it is sel-

dom seen save where exposed by the cutting of some river; and though four thousand to five thousand feet thick, it presents nothing of commercial importance, being destitute of water, gas, oil, coal, building stone, or anything else of economic value. At least two-thirds of the state consists of Pierre shale, though covered from general view.

Next above the Pierre come the Tertiary beds, which may be divided into a lower clayey layer eight hundred to one thousand feet thick known as the Bad Lands (Oligocene), and an upper layer five hundred to six

forts shall be provided. These beds, consisting essentially of marly clays of fresh-water origin, are peculiarly rich in vertebrate fossils and are the classic collecting grounds of America. Where the wash is not excessive the Bad Lands come readily under cultivation, being fertile and productive; but seen as they are by the average tourist, destitute of water and living things, trenched, bare, and baked, they seem to typify desolation and waste. Continuous with, and rising high above the Bad Lands are the butte sands of Arikaree formation.



Merrill Geological Expedition, 1895.

TOADSTOOL PARK, SIOUX COUNTY BAD LANDS

Two miles west of Adelia on the Burlington & Missouri River railroad.

hundred feet thick known as the butte sands (Arikaree, Miocene). Like the Pierre, the Bad Lands are without natural resources of the least economic value, save the valuable fossils, in digging and collecting which a considerable number of men are employed. It is necessary constantly to remind the general public that Bad Lands is a misnomer. They are not bad in the sense of sterility; but to drive over they are bad beyond question, being cut and washed into deep gullies and lofty pinnacles. There is a magnificence and grandeur about the Bad Lands which must attract tourists when suitable accommodations and com-

All of western Nebraska has a general altitude approaching five thousand feet, and here the magnificent buttes and tables add diversity and beauty to the landscape. Here also thousands of pine trees flourish and are the chief natural resource of this formation. Being sandy, it is productive of pure water, and its grazing lands are of the best. It lends itself to profitable and easy cultivation, especially where irrigated. In many places in southwestern Nebraska a still younger formation rests upon what is known as the "magnesia" or mortar beds (Ogalalla). All of the remaining beds are still more recent in time and con-

sist of unconsolidated materials. The sand-hill region which covers the northwestern half of the state is derived from the disintegration of Tertiary sands and their subsequent transportation by the wind. In the early history of the state, when herds roved unrestricted over the Plains, and when prairie fires were unchecked, the bare sands became shifting sand dunes, and grass, underbrush, and trees were destroyed, and the region presented the appearance of a desert, as it was then supposed to be. Now some of the best ranches, hay lands, and grazing lands are to be found in the heart of the sand-hill country. The southeastern half of the state is covered, from a few feet to one hundred feet or more in depth, with a fine, light yellow loam of great fertility, known as the loess, or bluff deposit, from its habit of standing in vertical walls. Economically this constitutes the basis of the agricultural greatness of Nebraska. The eastern fifth of the state has a thin layer of glacial drift under the loess. West of Seward county evidence of glacial drift ceases. The material composing our drift is clay, gravel, sand, boulders of granite, green stone, and the like from distant northern points, but more especially pink boulders of Sioux quartzite from Sioux Falls, South Dakota. This formation is of little economic value, although its boulders, some of which are as much as twenty feet in diameter, are utilized to some extent for foundations and other building purposes.

The youngest deposit in the state is the alluvium of our streams, useful chiefly because of its great fertility, and because it furnishes material for making a fair grade of brick where good clays are wanting.

The known minerals of the state are of interest mineralogically rather than economically. Gold, native copper, meteoric iron, terrestrial iron, iron pyrite, marcasite, limonite, magnetic iron sand, pyrolusite, selenite, barite, celestite, calcite, agate, chelcedony, and turquoise are among the minerals recorded for the state. Among the mineral resources already developed or of probable utility are ocher, peat, bituminous coal of the Carboniferous, lignite coal of the Cretaceous, diatomaceous earth, natural pumice of volcanic

ash in extensive beds, enormous amounts of clay, limestone, sand, gravel, flint, and material for manufacture of hydraulic cement.

The preparation of the geological history of



FALLS OF THE NORTH LOUP RIVER

Plunge about twelve feet; width, forty to fifty feet.

a state requires the closest inspection and study of past and present conditions in every quarter of it; and already it may be predicted with certainty that many of the natural resources of Nebraska, when they become better known, will be developed to such an extent that its present boasted agricultural products will not be its only source of wealth.

ARCHÆOLOGY.³ The geographical position of Nebraska, situated as it is between the Missouri river on the east and the great Rockies on the west, is conducive to a complicated and interesting archæology, as well as geology, fauna, and flora. We find the Stone Age implements distributed along the waterways so abundantly that we may readily conclude that primitive man gradually worked his way over the entire state by following the streams. The archæology of the state can be determined only by the implements. The quantity of Stone Age material found, naturally divides itself into three classes. While these three classes overlap each other in many cases, yet every implement may be readily placed in one of them. These classes may be subdivided, it is

³ For this description of the archeology of Nebraska we are indebted to Mr. E. E. Blackman, archæologist of the Nebraska State Historical Society.—ED.

true, but in that subdivision some one implement will be found which is doubtful, and at this stage of the study, lines of demarcation point out but three distinct classes. The first, or most primitive class, is found, without pottery intermixed, along the Blue river and in the southeastern portions of the state. The second, or intermediate class, consists of chipped implements of massive size, found along the Elkhorn and Missouri rivers; they are abundant in the northeastern part of Kansas as well. A few have been found along the Platte river. The third class (which may be subdivided most easily) consists of chipped flints showing fine workmanship; and abundant potsherds, some beaten copper ornaments, and a few "ceremonials" are intermixed. The houseform, or lodge circles, may be studied in this class, and are most abundant along the Platte and its tributaries.

It should be borne in mind that these three classes of Stone Age implements may belong to one people—that they may only represent a single tribe in its evolution from barbarism to semi-civilization; or they may belong to twenty or more tribes having no ties in common. Only years of careful study and comparison can settle that question, if, indeed, it can ever be definitely settled.

It should be borne in mind also that primitive man used stone implements entirely. The aborigine wandered over this state before the Bronze Age; in fact, there are no known indications that there ever was a Bronze Age in Nebraska.

One of the three following propositions is true, either wholly or in part: first, the aborigine was extinct before civilization came to this continent; second, the Amerind,⁴ with implements obtained from the whites, drove out the aborigine; or, third, he was, himself, supplied with implements of civilization and is now counted an Amerind. Archaeology has to deal with prehistoric man, the man who used the implements of the Stone Age, and when this aborigine has developed into an Amerind,

ethnology takes up the study where archaeology leaves off. If the aborigine frequented a spot there was certainly a reason for so doing. Let us examine the conditions that would entice the primitive Stone Age man. The white man cultivates the soil and produces his subsistence, but the aborigine followed the chase and supplied his wants direct from nature; to do this he must have flint or some kind of stone from which to make his implements. Flint is the most available material for this purpose, as it possesses the property of conchoidal fracture, as well as great toughness, very desirable in stone-cutting implements.

The southeastern part of the state contains flint nodules imbedded in the limestone ledges; the watershed of the Republican river contains a brown flint or jasper in strata; the northeastern part, along the Niobrara river, has a green quartzite which chips easily. Most of the chipped implements of the state are made from one of these kinds of stone; we may therefore conclude that this natural deposit of implement-making material largely influenced the aborigine in his choice of location. The numerous running streams and the proximity of the buffalo plains, together with an abundance of small game, doubtless helped to make eastern Nebraska a favored place for the aborigine.

The Blue river valley is strewn most abundantly with the earliest type of Stone Age implements. They are found on the high points of land which overlook the Blue river, and are usually not far from a water supply. The material used for these rude implements was found near at hand. As far as the Blue valley has been explored (from Beatrice to the state line on the south) there are imbedded in the limestone which rests near the water line many nodules of blue chert or flint. The quality of this material is much better than that of the chert ledges farther south in Kansas, but the nodules are not so abundant and are much harder to procure. In making the implements it is evident that the work was done by beating the edge of another piece of rock until the desired shape was obtained. The edges are blunt and the implements very rude. Many frag-

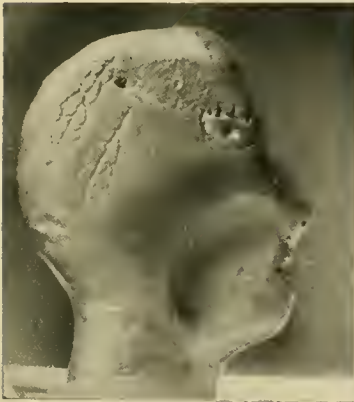
⁴The term Amerind is coming into general use among archaeologists and scientific men as a short and appropriate designation of the American Indian.—Ed.



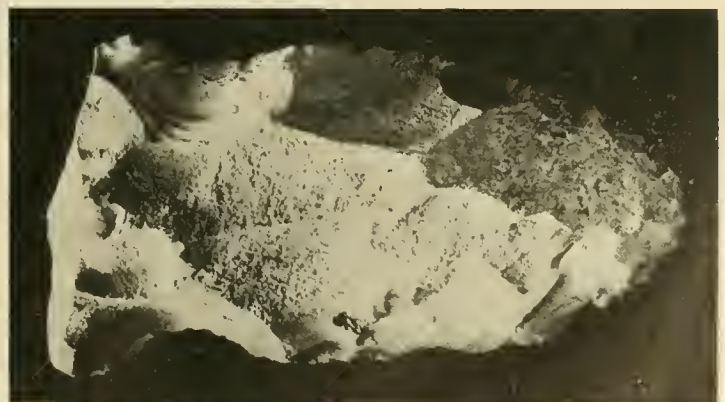
FLINT SPEARHEAD FOUND NEAR
BLAIR, NEBRASKA



FLINT IMPLEMENTS OF NEBRASKA



HEMATITE BUST FOUND NEAR
LINCOLN, NEBRASKA



FLINT TOMAHAWK FOUND NEAR WYMORE, NEBRASKA,
BY JAMES CRAWFORD

ments of flint are found with very sharp edges left by the fracture, showing that cutting tools, having sharp natural fractures instead of having been artificially chipped to a cutting edge, were used.

From the Blue river eastward to the state line many high points of land have a few of the chips of blue chert mixed with the soil, showing that aboriginal man once had his camp there. But the most pronounced evidence of this first or lowest stage of the Stone Age is found near the mouth of the Weeping Water;

fourth ledge from the top. The trench, as dug from the hillside surface back to the edge of the pit on the brow of the hill, terminates at a solid, perpendicular wall. Here appear marks of discoloration caused by fire. Quantities of charcoal and ashes were found at the base of the wall and scattered throughout the debris which the trench passes through for half its length.

At the beginning of the trench, some forty feet above the water level and a hundred feet from the bed of the Weeping Water, broken



QUIVERA TOMAHAWKS FOUND BY WALTER RICE NEAR BLUE SPRINGS, NEBRASKA

at that point one may draw a circle five miles in diameter with the town of Nehawka well to the southeast side of this circle, and he will enclose a vast area of quarry pits made by prehistoric man.⁵ The exact surface area of these pits has not been measured, but they cover many acres.

Mr. Isaac Pollard, who owns some of the land upon which the pits are found, made an excavation through one of them. The trench is eighty feet long, six feet wide, and from ten to twelve feet deep. This trench has its floor on a solid ledge of limestone, which is the

rocks and quarry debris were found for a few feet, then the trench passed through a bank of earth and stratified rocks that had not been moved. This bank is sixteen feet thick on the floor of the trench. After this comes a mixture of spalls, broken rocks, and soil intermingled. This debris appeared to have been thrown out in layers resting at an angle of about forty-five degrees with the level of the floor. It is loosely packed in places, while here and there is very closely packed stratum of brown clay filled with flint spalls and bits of limestone; it has every appearance of being well tamped, and is hard to dig through.

The most abundant material in the debris

⁵ See report of Archaeologist in Annual Report State Board of Agriculture, 1902.

is broken lime rocks having large fractures on them as if struck by some heavy body. Many of these rocks show the rounded matrix of a flint nodule which has been removed. The surface near the pit is strewn with flint spalls.

The first stratum, as shown in a quarry near by, is a rotten lime rock; the second is a fairly good building stone without flint nodules, and at the perpendicular wall where the trench ends it is from twenty-six to thirty-eight inches thick. The third stratum, which is very compact and from thirty to forty-two inches thick, contains the flint nodules, about

tected for a certainty has been found in the trench, and no pottery. A few of the first class of Stone Age implements were found in the vicinity; and a few sherds of pottery, as well as some of the third class of implements, were found in lodge circles and graves near these pits. They doubtless belonged to other people who came along the Missouri at a later date.

In this limited sketch can be given but a faint conception of the skill shown in quarrying, of the years spent in systematic labor, and of the vast numbers that must have been en-



THE ONLY COMPLETE PIECE OF INDIAN POTTERY EVER DISCOVERED IN NEBRASKA, SO FAR AS KNOWN.
FOUND BY R. DEWITT STEARNS NEAR FULLERTON

two-thirds of the way down. These nodules are from the size of an egg to the size of a man's head, and are about twelve inches apart each way. They cleave out very readily, and leave a rounded matrix when the ledge is broken up.

No tools and no perfectly chipped implements have thus far been found; in fact, no flint upon which artificial chipping can be de-

gaged. In one of these pits stands a bur-oak tree six feet two inches in circumference.

The second class of Stone Age implements comprises those of massive, chipped stone found along the Elkhorn and Missouri rivers. Quantities of these are also found along the Sioux river in Iowa, as well as in the north-eastern part of Kansas. They are shaped like the smaller implements of class three; they

are undoubtedly chipped by the pressure process, and at times show much skill in their manufacture. With them are often found the finer and smaller implements of class three.

The characteristic of these implements is their size; they are too large for use in the chase or in war, and may be classed as digging tools. On the Wright site, near Genoa, these massive implements are abundant in a field near the lodge circles now to be seen there, but not at the same place. It seems that the newer village site is a few rods from the old one, where the lodge circles are not plainly defined but where these massive implements are abundant. This may lead to a better understanding of this second class in time. Near the Elkhorn, where no lodge circles can be noticed, these massive implements are abundantly scattered with implements of the third class, and pottery is found there, too.

The third class of Stone Age implements is abundant in most parts of the state and consists of finely chipped arrows, scrapers, and spears in use by the Indians when early hunters and trappers first came among them. This class may be subdivided. Every tribe which the early trappers and missionaries visited manifested a certain individuality in their chipped flints. This difference is not easily studied from the meager data left by the early writers, and there are many stumbling blocks encountered in trying to classify them from their individuality of chipping alone.

This class is most abundant along the Platte river, where the lodge circles are most plainly defined. These lodge circles antedate the traditional knowledge of the Amerind, but are so similar to the ruins left by the recent tribes that we can but connect the two as the product of the same people. In many cases we know that these ancient ruins were abandoned before contact, even indirectly, with whites, as the red man prized so highly the arts of the whites that he adopted them on sight. There is not the slightest trace of such contact, and we may safely conclude that there was none, and therefore this latest class is properly a study in archaeology. A lengthy description of these im-

plements may not find room here, but the Nebraska State Historical Society museum illustrates the three classes in question.

It is true in a limited degree only that we may judge the people by their pottery. The potsherds found in Nebraska are mainly of three kinds: those having fabric impressions, those ornamented with designs drawn on the plastic clay, and a poorer quality of more recent manufacture. The first two are black, feebly burned, and tempered with quartz, pebbles, mica, and pieces of pottery crushed. The last is often very red, having been burned more severely; it is tempered with sand and at times small pebbles are found in it as well as powdered shells.

Buche⁶ describes a Scandinavian pottery which corresponds in every way to this Nebraska pottery. The Scandinavian pottery was made two thousand years B. C.

It is evident that the first class of the Stone Age, as described above, had no pottery. It is equally certain that the third class had pottery in abundance; the second, or intermediate stage is so closely associated with both that it is difficult to say definitely what it contained.

The third class had pottery of the first two kinds mentioned, and the third kind was probably brought here by some later tribe.

The study of Nebraska archaeology has been in progress, in a systematic way, only a few years, and it is perhaps venturesome to supply even these brief data. No other state in the Union offers a more fertile field. It is complicated, as the aborigine was a nomadic creature, and so many tribes of recent Indians have made these vast buffalo plains their hunting grounds that it is very difficult to follow the line of demarcation between the ruins of the aborigine and those of the Amerind. Many relics have been gathered into the Nebraska State Historical Society museum, which forms the basis of this study. Many more are scattered over the state, not only in the fields and along the streams, but in the keeping of people who enjoy their possession, but who do not realize their importance in completing this branch of our history.

Twenty-four village sites have been explor-

⁶ London, 1842.

ed and charted; while the remains of others, from walled cities whose metes and bounds are still plainly defined, down to temporary hunting camps of a few tepees, are thickly scattered over the state. Of the recent village sites, or those occupied during historic days, five have been explored: the Bryant site, near Yutan; an Otoe site, where Elsworth visited the Otoes in 1832;⁷ the Esty site, a recent Pawnee village, seven miles south of Fremont; the McClain site, a Pawnee site, immediately across the Platte from Fremont; the Otoe site at Barneston, and the very recent Pawnee site at Genoa. A history of these sites may be obtained from published works, so one need not resort to relics.

Relics of domestic economy and of art are being gathered, which will reveal the people who used them as truly as we may read the lives of our associates in their everyday walks. Archæology may, in time, construct a true history of the race which lived, loved, and worshiped on the soil of Nebraska.

CLIMATIC CONDITIONS.⁸ It is probable that all pioneers notice more or less carefully the conditions of temperature and rainfall in the new region in which they are making a home. Particularly is this true if the region is popularly supposed by former neighbors and friends to have a rather inhospitable climate. Probably reasons of this nature account, in part at least, for the unusual and intelligent interest which was manifested in climatic conditions by the early settlers of Nebraska. Preceding the settlers, at least in the matter of accurate, preserved weather observations, comes the United States army. The soldiers, in accordance with the usual practice, kept weather records at the frontier army posts. The earliest of these records commenced in 1849 at Fort Kearney, and for twenty years the records at the various army posts form an important part of our knowledge of the Nebraska weather. The earliest preserved records kept by settlers commenced at Omaha in 1857, Brown-

ville and Bellevue in 1858, Nebraska City and Fontenelle in 1859. The number of observers increased but slowly for the next twenty years, and many records are broken, or perhaps have been but partially preserved; for there was no organized attempt to encourage or collect and preserve the results of the work of those who are carefully noting events. A leader to stimulate interest was wanting.

In January, 1878, Gilbert E. Bailey, professor of chemistry and physics in the University of Nebraska, organized the Nebraska voluntary weather service, similar to a service organized three years earlier in Iowa, "for the purpose of collecting facts and securing an accurate and complete history of the weather of Nebraska." The organization thus formed has existed essentially the same to the present time, nearly forty years, and during this period there was issued, without a single omission, a monthly statement of the weather which prevailed in Nebraska. Much credit should be given to the intelligent citizens who have composed this band of workers, and especially to the "director" of the service who, particularly in the early days, contributed largely in enthusiasm, time, and sometimes money to secure the object sought. The directors were Gilbert E. Bailey, 1878; S. R. Thompson, 1878 to 1884; and G. D. Swezey, in 1884, until the work was turned over to the officials of the United States Weather Bureau in 1896. The continued activity of the service seems the more unusual when it is noted that but once—in January 1884—have the workers met in convention.

The first attempt to collect the scattered records and determine the climate of Nebraska was made in 1878 by G. E. Bailey, at the time he organized the voluntary service. He charted the rainfall for the two ten-year periods ending 1867 and 1877. The results seemed to prove that the rainfall in Nebraska was increasing. Thus was advanced the theory of increasing rainfall (perhaps already in the minds of the people) with seemingly good reasons, which in the next ten years became firmly fixed as a belief in the mind of the average Nebraskan. The second attempt to present the climatic

⁷ Irving's *Indian Sketches*.

⁸ This account of the meteorology of Nebraska should be credited to Prof. George A. Loveland, director of the United States Weather Bureau in the University of Nebraska.—Ed.

conditions of Nebraska was a more complete and pretentious "Climatology of Nebraska," printed by Samuel Aughey, professor of natural sciences in the University of Nebraska. This was a chapter in a book entitled *Sketches of Physical Geography and Geology of Nebraska*. It contained many statements of supposed facts which were determined from insufficient data and which are now known to be incorrect. It included an elaborate exposition of the mistaken theory of increase in rainfall. In 1890, a comprehensive statement of the Nebraska climate was prepared by the United States Signal Service and printed as *Senate Document No. 115* of the Fifty-first Congress. The unusual weather conditions of 1894 aroused considerable interest in the climate, especially as regards rainfall. A complete summary of the rainfall records was prepared by the Nebraska voluntary service, and was printed as *Bulletin No. 45* of the Agricultural Experiment Station of Nebraska. In 1895 Professor G. D. Swezey prepared an excellent survey of the climate of Nebraska for the July number of the *Northwestern Journal of Education*.

The intelligent interest of the citizen, starting with the early history of Nebraska and continuing for a half century, has resulted in the collection of sufficient data to establish the characteristics of the climate with considerable accuracy, also to point out some of the errors of early students. There is every evidence that no permanent change has occurred in the climate of Nebraska since its occupation by man. The variations of climate observed in the half century would have occurred if the country had been uninhabited, and they are similar to those occurring in all parts of the globe. The climate of Nebraska is controlled by its location on the globe; that is, its latitude, elevation above sea level, distance from large bodies of water, and the extensive mountain ranges to the westward, with the absence of such barriers to moisture-laden winds, to the south and east,

The average temperature for the year varies with the latitude and elevation. It is highest — 52° — in the extreme southeastern portion of the state, at an elevation of about nine hundred

feet, and 2° less in the southwestern portion, at an elevation of about three thousand feet. The mean annual temperature decreases northward at an average rate of 1° for forty miles in the eastern and southern portion of the state while in the northwest the decrease in temperature is somewhat less rapid. Along the northern boundary the average is slightly above 46°.

January is the coldest month, with a mean temperature approximately 27° below the yearly average, or with a range of from 25° in the southeast to 20° or slightly below in the north. In the very coldest days of winter the temperature falls to between 10° and 20° below zero, and on rare occasions to 30° below zero. In the northwest portion of the state 40° or more below zero has been recorded twice in the past forty years, the coldest recorded being 47° below zero in February, 1899, at Camp Clarke.

July is the warmest month, with a mean approximately 26° above the yearly mean, or with a range of from 78° in the southeast to 72° in the northwest. In the hottest days of summer the temperature exceeds 100°. In 1901, the hottest July recorded, the highest temperature was from 108° to 110°, while in 1894, 114° was recorded at Creighton and Santee on July 26th.

The last killing frost in spring in the southeast, in the last decade, occurs in April, but it appears gradually later to the northward and westward, occurring near May 1st in the greater portion of the agricultural section of the state, while in the northwest, in the more elevated and principally grazing districts, the season is about two weeks later. The first killing frost in the fall in the South Platte district, except the western portion, occurs as a rule during the first week in October, and from five to ten days earlier in the central and northwestern part of the state. The average number of days without killing frosts, that is, from the last frost in the spring to the first frost in the fall, is 155 to 165 in the southeastern part of the state; 145 western parts, and 130 to 135 in the northwestern portion. The ground usually thaws out and some plowing and seeding are done in

March, but the real growing season does not begin until the higher temperatures of April are felt.

The precipitation of Nebraska is almost entirely rain; the snowfall for a year averages about twenty inches, equal to about two inches of water, or less than one-tenth the annual precipitation. The moisture precipitated over Nebraska comes almost entirely from the Gulf of Mexico, brought by the prevailing southerly winds of summer. The annual precipitation slightly exceeds thirty inches in the southeastern part of the state, and decreases to the north and west somewhat irregularly, but at an average rate of one inch for thirty miles across the state from the southeast corner to the middle of the western border, where it is only fifteen inches. The decrease northward along the eastern border of the state is about one inch for forty miles, or to twenty-seven inches in the northeast corner. The decrease is one inch for fifty miles westward along the northern border, or to eighteen inches in the northwest corner. Very little rain or snow falls in the winter months, averaging less than an inch of water a month, from November to February inclusive. A slight increase is manifest in March, but the spring rains begin in April when from two to three inches is the normal fall for most parts of the state. In May the rainfall is about one inch more, while June and July follow with nearly the same amount. June is the month of heaviest rainfall, with an amount ranging from more than five inches in the southeast to slightly less than three in the extreme west. August brings a decided decrease, being only about the same as April, while September and October have still less. The rainy season in Nebraska coincides with the crop season or the warm growing months. Nearly seventy per cent of Nebraska's precipitation occurs in the five months, April to August, inclusive.

The percentage of cloudiness is highest in March, April, May, and June, when there are slightly more clouds than clear sky. July, August, and September are the months with the least clouds.

The velocity of the wind is high in all parts

of the state except in the Missouri valley, and averages from nine to eleven miles per hour.

VEGETATION.⁹ The natural vegetation of Nebraska is emphatically that of the Great Plains, and thus differs much from that of the forests to the eastward and the mountains lying westward. To say that the eastern botanist notes the absence of many familiar plants signifies nothing, since this must always be the case in comparing the flora of one region with that of another. The flora of the Plains differs in many respects from that of New York and New England, but the eastern botanist must not unduly magnify the importance to be attached to the fact that he does not find here many of the plants he knew in his childhood days. The Plains have their own plants, which will eventually be as dear to the men and women who gathered them in childhood, as are the old favorites to the New Englander transplanted to the West.

A study of the vegetation of Nebraska shows it to possess some remarkably interesting features. The wild plants of the state are very largely immigrants from surrounding regions. By far the greater number have come from the prairies and forests lying adjacent on the east and southeast by creeping up the rivers and streams, or in case of herbaceous plants, blowing overland without regard for the water-courses. Thus, of the one hundred and forty-one trees and shrubs which grow naturally within the state, all but about twenty-five have migrated from the East, in nearly all cases following the streams. Of these twenty-five, four or five may be considered strictly endemic, the remainder having come down from the mountains.

A careful study of the plants of the eastern part of the state, shows that many species are confined to limited areas in Richardson and the adjoining counties, and that the number of species decreases with marked regularity as we ascend the Missouri river. The same general law is seen as we ascend the three great rivers, the Republican, Platte, and Niobrara, which

⁹ This description of the vegetation of Nebraska is by Charles Edwin Bessey, Ph.D., LL.D., dean of the Industrial College and professor of botany in the University of Nebraska.—Ed.

cross the state from west to east. On the other hand, as we ascend the streams we meet, here and there, a mountain plant which is wandering eastward down the slope from an elevation of a mile above sea level in the western counties to less than a thousand feet along the Missouri river. Thus the buffalo berry, the golden currant, low sumach, the dwarf wild cherry, and yellow pine have traveled half-way or two-thirds across the Plains; while the creeping barberry, black cottonwood, Rydberg's cottonwood, mountain maple, mountain mahogany, and sage-brush barely enter the western counties, not extending eastward of the Wyoming line more than a few miles. A few species of wild roses, the sand cherry, and perhaps the sand plum seem to belong strictly to the Plains.

Wherever we go, we find upon the Plains a similar commingling of eastern and western species. Every mile one advances westward brings to view plants not hitherto seen, while at the same time there is left behind some familiar species.

Nebraska affords one of the finest illustrations of the commingling of contiguous floras to be found anywhere in America. Not a few of the species in the southern half of the state have come up from the plains of the Southwest, some even coming from Texas and New Mexico. Others, again, appear to have migrated from the great northern plains of the Dakotas, while here again there are endemic species, as the buffalo grass, Redfield's grass, false buffalo grass, and many more.

Through the untiring efforts of the members of the Botanical Seminar of the University of Nebraska there are now known fully three thousand three hundred species, representing every branch and nearly every class of the vegetable kingdom.

There are sixty-four species of native trees in the state. There is, however, no place in the state where all these species grow together. No county contains sixty-four kinds of native trees. Thus there are nineteen species of trees in the northwestern quarter of the state, southwestern, and fifty in the southeastern.

A close study of the distribution of twenty-seven in the northeastern, fifteen in the

trees shows that nearly all have probably migrated to the Plains from the East. They have in some cases done no more than get a little foothold in the extreme southeastern counties, to which they have come from the heavy forests of Missouri. A few have doubtless crossed the Missouri river from western Iowa, although this number is evidently very small. Nearly all have come up from the Missouri bottoms and spread from the southeastern corner of the state west and northwest. Possibly a few may have come up the Blue river from Kansas, but these must eventually be traced to the Missouri river bottoms at the mouth of the Kansas river.

The trees and shrubs which are found only in the western part of the state unquestionably came from the Rocky mountains and have spread eastward to their present limits. Only one of these, the buffalo berry, has spread itself over the whole state. There is a probability that a further examination of the bluffs of the Niobrara, Platte, and Republican rivers will show several more of these Rocky mountain plants, which have come down with the river currents. It is singular that so few of the western trees and shrubs have come down the streams, especially as prevailing winds are also from the westerly parts toward the east. It would naturally be supposed that it would be much easier for the western trees to come down stream, and with the wind, than for the elms, ashes, plums, etc., to have gone up the streams against the prevailing winds.

Some of the more important trees are: The yellow pine or bull pine, red cedar, black cottonwood, Rydberg's cottonwood, cottonwood, basswood, white elm, red elm, hackberry, plane tree, mountain maple, butternut, black walnut, shellbark hickory, big hickory nut, bitter hickory, white oak, bur-oak, red oak, iron-wood, canoe birch, choke cherry, wild black cherry, wild plum, Kentucky coffee tree, white ash, red ash, and green ash.

The yellow pine, which occurs so abundantly in the Rocky mountains, is the only pine native to Nebraska. It forms quite dense forests in the northwestern and northern portion of the state, extending from the Wyoming line along

the Pine Ridge and Niobrara river to the eastern boundary of Rock and Keya Paha counties. It occurs also on the North Platte river as far east as Deuel county.

The white elm is deservedly popular throughout the state as a shade tree; it is the common elm of the state. It is known as "water elm." A specimen of the white elm in Tecumseh has a spreading dome-shaped top nearly one hundred feet in diameter. Along the Salt Creek in the vicinity of Lincoln are many trees of about the same size. It will adapt itself to almost any soil and condition and grows well over the entire state.

The bur-oak is the most widely distributed oak within the state. In favorable situations it attains a great size even along the western border of the state. In Long Pine canyon there are trees from two to three feet in diameter, with large and well shaped tops.

Grasses. Many plants are commonly called grasses which are not grasses at all. Many people speak of clover and alfalfa as grasses, because they are made into hay for stock, just as many of the real grasses are. So, too, many of our weeds are called grasses, as rib-grass, knot-grass, etc., when they are not at all related to the proper grasses. On the other hand, many true grasses are commonly kept separate from them, under the impression that they are very different plants. Thus many people do not think of common field corn as a grass, and yet it is in every way a true grass, although a very large one. So, too, wheat, oats, rye, barley, etc., are real grasses, although we rarely hear them spoken of as such.

A grass is a plant with narrow, elongated leaves which are in two ranks upon the jointed usually hollow stem. The leaves end below in open sheaths, which wrap around the stem for a greater or less distance. The flowers are chaffy and are never colored or conspicuous; they are often in loose heads (panicles, as in blue grass and oats), or in spikes (as in timothy and wheat). Some live for but a single season (annuals), while others live for many years (perennials).

In the world there are about 3,500 species of grasses, and of this vast number 154 have

been recorded as growing wild or under common cultivation in Nebraska. Probably there is no place in the state in which there are not from fifty to seventy-five kinds of grasses, and in some places doubtless there are more than one hundred.

Wild Flowers. Contrary to the popular notion Nebraska has a rich flora, and its wild flowers include many species whose beauty has commended them to the florist and gardener. It is safe to say that there are at least three hundred species which are notable for their attractiveness. This large number is, however, distributed over so great an area that no locality possesses many of them.

The more important of the wild flowers are the following:

LILIES. — Eight of these are attractive flowers. The most striking are the two species of "Mariposa lilies" whose lavender flowers may be found abundantly in the northwestern part of the state. Much more common, but very pretty, are the two species of "spring lilies" (*Erythronium*), the one a lavender white, the other rarer one a light yellow. The Canada lily and the little white trillium are so pretty as to merit the high place given them among beautiful flowers. The sand lily (*Leucocrinum*) of the western half of the state sends up in early spring its delicate white, fragrant flowers, while in the same region in early summer the stately dagger weed (*Yucca*) rears its tall stem, crowned with its creamy tulip-like flowers.

ORCHIDS. — Nine or ten pretty orchids grow in different parts of the state, but these shy plants are nowhere abundant.

BUTTERCUPS. — About a dozen species of buttercups are known within the state, and there are as many more near relatives, the columbines, larkspurs, anemones, and pretty climbing clematises,

WATER LILIES. — The prettiest of these is the white water lily so much prized by flower-lovers, and the giant water lily (*Nelumbo*) with its light yellow flowers and gigantic leaves.

POPPIES. — Throughout the western half of the state the native prickly poppy is very common, its large, white flowers being conspicuous everywhere upon the high plains. In common with many of the preceding species, it is very generally cultivated in gardens in the older parts of the United States.

CAPERS.—This odd name is applied to a family represented in Nebraska by several very pretty plants: one of the prettiest is the Rocky mountain bee plant, whose pink flowers yield much nectar to the bees.

VIOLETS.—Every spring the hills are dotted over with beautiful prairie violets of several species. Some of these have heart-shaped leaves, while in others they are shaped like the leaves of the larkspur. All are worthy of cultivation in gardens.

MALLOWS.—The eastern resident will see few more interesting plants upon the plains than the native mallows, from the tall growing lavender or blue flowered species to those with bright red flowers. Some of the former have very deep growing, enlarged roots.

CACTUSES.—In eastern Nebraska, on the rocky hilltops, a species of prickly pear grows plentifully, as also in many counties westward to Wyoming. Another species much like it occurs in the western counties only, while a couple of species of melon cactus with spherical stems are common from the central counties westward.

MENTZELIAS.—Several species of *Mentzelia* with thin, straw-colored, star-shaped flowers, and adhesive leaves, are very abundant in the western counties. They are sometimes known as "star flowers," and have been cultivated in the garden under the name of *Bartonia*.

EVENING PRIMROSES.—These occur in great abundance throughout the state, and six of the species are very ornamental, having bright yellow flowers an inch or two in diameter. Some of these are common in eastern gardens.

THE ROSES.—No part of Nebraska is without one or more species of wild roses, and in some places these are so abundant that the landscape is made pink by the color of the beautiful flowers which are produced in great numbers. Nearly related to the roses are the cinque-foils of many species, and the well-known wild strawberries, of which we have two species.

LUPINES.—In the western counties several kinds of wild lupines are found, which are very attractive both in flowers and foliage. Related to these are the milk-vetches of many species, some of which are ornamental.

PRAIRIE CLOVERS.—Two species of these plants, the white flowered and the pink flowered, are common everywhere, while three or four more occur in the center of the state and westward. Some of these have long been cul-

tivated in gardens in the east and in the Old World.

MORNING GLORIES.—While some of these are troublesome weeds they are at the same time very pretty ornamental plants. One which does not climb and which is known as the bush morning glory produces fine, large purple flowers in great profusion. It is worthy of cultivation. It is curious on account of the very large root which it produces, this sometimes reaching the enormous size of five feet in length and a foot in diameter and weighing from fifty to one hundred pounds.

GILIAS.—A few of the many species of *Gilia* are peculiarly beautiful and have long been grown in gardens under the name *Collomia*. They occur mainly in the western part of the state.

PENTSTEMONS.—Six to eight species of these beautiful flowers grow in the state, some of them being common everywhere. The finest one is the large flowered species (*Pentstemon grandiflorus*) whose blue-purple flowers are two inches long.

VERBENAS.—Some of our species are coarse and lacking in beauty, but others are low with pretty leaves and flowers, suggesting that they may well be brought into gardens.

SUNFLOWERS.—We too commonly regard all the sunflowers as weeds only, but even the coarsest are not devoid of beauty. The most common species (*Helianthus annuus*) is the parent from which have been derived all the cultivated varieties so common in gardens the world over. The so-called Russian sunflower which is often cultivated for its oily seeds is nothing but a highly improved form of our common species. Other species of sunflowers are somewhat cultivated and are prized for their stateliness, but none are as well known as the common kind mentioned above.

ASTERS.—Of this genus of plants we have many species in the state, several of considerable beauty. They always attract attention, and are deservedly popular with children and other lovers of flowers.

GOLDENRODS.—Few genera of plants have received the attention bestowed upon that which includes our native goldenrods. Their tall wand-like stems, topped with their golden heads, make them striking objects upon the landscape of the Plains. We have many species, ranging from the stout and stocky "rigid goldenrod" to the slender "Canadian" species. One of the most graceful of the species, the "tall goldenrod" (*Solidago serotina*), has recently been designated by law as the floral emblem of Nebraska. This really handsome

species is a native of all quarters of the state. It attains a height of from three to four or five feet, and has smooth, lance-shaped, taper-pointed leaves. It bears a large, more or less pyramidal cluster of flowers, which lean over somewhat to one side. Nebraska could not have a better floral representative than this sturdy, yet graceful, goldenrod.

Weeds. Upon the open country of the Plains, where the winds are almost constantly blowing briskly, seeds of all kinds are much more readily distributed than they are in the wooded regions. This will account for the rapid spread of weeds when once they reach the open country beyond the Missouri river. Then again the whole of the Plains for ages was roamed over by immense droves of buffaloes and antelopes, and later by domestic animals whose range was almost as far as that of their wild relatives. These herds in their rapid and headlong stampedes over the country carried with them the seeds of many plants, thus aiding in their general distribution.

The general fertility and the great uniformity of the soil has had also much to do with the readiness with which weedy plants obtained a foothold in new stations, and from them increased and spread to others.

Naturally, in a region having the area and hypsometrical features of Nebraska, the number of native plants which may become weedy is quite large. A region nearly ten times as large as Massachusetts, and ranging in altitude above the sea from about 900 to more than 5,000 feet, can not fail to have many native weedy plants. By actual count no less than 125 native plants are worthy of being ranked as weeds, and while many of these are among the worst pests of the farm, others simply take possession of the open pasture lands of waste and uncultivated places. The more important kinds are the following:

SQUIRREL-TAIL GRASS (*Hordeum jubatum*).—This appears to have originally inhabited the sandy margins and islands of the streams of the state. It was common also upon the alkaline and salt flats, and from these it spread to the cultivated lands and roadsides almost everywhere. It is one of the most troublesome weeds of the state.

COUCH GRASS (*Agropyrum repens*).—This

pest of the eastern farmer is widely distributed upon the Plains, but it has not as yet attracted much attention. It is cut for hay, of which it supplies a fair amount of good quality.

PORCUPINE GRASS (*Stipa spartea*).—In the eastern part of the state this is a common weed upon the high prairies, where its sharp, needle-like fruits are very hurtful to sheep. In the western counties it is replaced by the similar needle grass (*S. comata*), which in every way is equally troublesome.

SAND BUR (*Cenchrus tribuloides*).—This grass loves the sandy soil of the large streams, from which it has doubtless spread to the higher lands. It is abundant in the eastern half of the state, and is probably our worst native weed.

SMART WEEDS (*Polygonum acre* and *P. hydropiper*).—Common in the eastern counties.

HEARTSEASE (*Polygonum emersum*, *P. terreste*, *P. incarnatum*, *P. pennsylvanicum*).—All are troublesome weeds in lowlands.

TUMBLE WEEDS.—Two native plants bear this name, viz., *Corispermum hyssopifolium* and *Cycloloma platyphyllum*. They take possession of the recently plowed land in the central portions of the state, and often completely cover the ground. In the autumn they begin their uneasy career of rolling and tumbling over the Plains, dropping their seeds everywhere.

LOW PIGWEED (*Amaranthus blitoides*).—As common throughout Nebraska as purslane (which it much resembles in manner of growth) is in the eastern states.

LOCO WEEDS (*Astragalus mollissimus*) and **CRAZY WEEDS** (*Oxytropis lamberti*).—These widely distributed plants are generally supposed to cause the disorder known as "loco" which attacks horses and cattle upon the plains. While it is possible that they are innocent of this charge, they are worthless weeds of the uplands and rich dry bottoms adjacent, and should be eradicated.

SHOESTRING (*Amorpha canescens*).—For the farmer who undertakes to break up the upland prairie where it abounds, this is one of the most troublesome plants, its long, deep, tough roots offering a serious obstacle to the work. It abounds throughout the state.

MILKWEEDS (*Asclepias syriaca*, *A. speciosa*, *A. incarnata*, and *A. verticillata*).—The first and second are pests in cultivated land, where their deep-lying roots enable them to successfully resist all efforts to dislodge them. Both are widely distributed. The third species oc-

curs along streams and in moist places in the eastern half of the state as a tall weed. The fourth species is a low weed in pastures and meadows throughout the state.

WILD MORNING GLORY (*Convolvulus sepium*).— In the eastern half of the state it is too common in cultivated fields. It appears to be spreading.

HORSE NETTLE (*Solanum carolinense*).— A prickly weed of the eastern counties.

BUFFALO BUR (*Solanum rostratum*).— This most vile weed is apparently an immigrant from the southwest. It occurs now abundantly in all parts of Nebraska and is rapidly extending eastward.

NIGHTSHADE (*Solanum triflorum*).— A low-growing weed spreading eastward from the central portions of the state.

WILD VERBENA (*Verbena stricta*, *V. hastata*, *V. urticaefolia*, *V. bracteosa*, *V. pinnatifida*).— All are weedy plants. The first occurs in the eastern half of the state on prairies of all kinds; the second and third are confined to the moist lands of the eastern counties; the fourth is a low weed throughout the state, while the last is like it, but confined to the western half of the state.

PRAIRIE PINK (*Lygodesmia juncea*).— Throughout the state this is a persistent weed, about which farmers frequently make complaint.

THISTLES (*Cnicus altissimus*, *C. undulatus*, *C. ochrocentrus*).— These native thistles occur as weeds in pastures, and especially upon the rich, unbroken prairies. The first is in the eastern counties, while the second and third are in the central and western portions of the state.

SPANISH NEEDLES (*Bidens frondosa*).— Becoming common in cornfields and by roadsides in eastern Nebraska.

SUNFLOWERS (*Helianthus annuus* and *H. grosseserratus*).— The first is very common throughout the state, being the most conspicuous weed of all vacant places and poorly cultivated fields. The second is a common perennial species in waste places and roadsides in eastern Nebraska. Several other species are occasionally more or less weedy in their habits.

COCKLEBUR (*Xanthium canadense*).— Very common by roadsides and in confields in eastern Nebraska. I doubt whether this is a native plant of the state.

RAGWEEDS (*Ambrosia trifida*, *A. artemisiaefolia* and *A. psilostachya*).— These pests of the eastern half of the state appear like immigrants from the East. They abound by roadsides in the rich moist soils along the

water-courses, often attaining a height of from ten to sixteen feet. Two species of Iva (*I. ciliata* and *I. xanthiifolia*), which look so much like ragweeds that they are not easily distinguished by the farmer, are common weeds growing with the preceding in low lands in eastern Nebraska.

HORSEWEED (*Erigeron canadensis*).— A common weed of the prairies and fields in the eastern half of the state. Its little relative, *E. divaricatus*, occurs in similar stations and has about the same range.

IRON WEEDS (*Vernonia fasciculata*).— A troublesome weed in low pastures in the eastern half of the state.

The introduced weeds include some of our most troublesome pests upon the farm, and yet the eastern student will remark upon the entire absence of some of the worst weeds with which he is familiar.

SHEPHERDS PURSE (*Bursa bursa-pastoris*).— Found everywhere in the eastern half of the state.

RUSSIAN THISTLE (*Salsola tragus*).— Apparently now to be found throughout the state. The mature plant is more or less spherical in shape and consists of many elongated branching twigs which grow outward and upward from the root. When not quite matured the whole plant has a reddish color, but as its seeds ripen it bleaches out and eventually is almost white. Well-grown specimens are from two to three feet in diameter, but where crowded together they may be much less. Each twig and branch is covered on all sides by hard, stout prickles, which are very sharp and very irritating to the touch. These prickles are in threes, that is, there are three together in a place and pointing in different directions. At the upper side of the base of each three prickles there is a seed, and as there are about ten of these to each inch, it is easily seen that the seeds produced by every well-grown plant must reach a great many thousands. A calculation made with some care shows that a medium-sized plant contains between 10,000 and 15,000 seeds. Late in the fall, and in the early part of winter, the root breaks off, and the plant is free to roll away with its freight of seeds.

LAMBS QUARTERS (*Chenopodium album* and *C. hybridum*).— The first is found all over the state, while the second has not advanced beyond the eastern counties.

PIG WEED (*Amaranthus retroflexus*).— Common in field and waste places in the eastern half of the state.

TUMBLE WEED (*Amaranthus albus*). — One of the most common weeds of the recently broken prairie land, almost everywhere in the state.

PURSLANE (*Portulaca oleracea*). — Now to be found everywhere in the state. It is not only a wayside weed, but a great pest in fields, pastures, and lawns.

PLANTAIN (*Plantago major*). — Now very widely distributed. The narrow leaved plantain (*P. lanceolata*) is appearing in the eastern counties.

DANDELION (*Taraxacum taraxacum*). — In eastern counties and rapidly extending westward.

CREeping THISTLE (*Cnicus arvensis*). — This so-called "Canada thistle" has appeared in a few places in the eastern counties.

BURDOCK (*Arctium lappa*). — Not common and mostly confined to the eastern counties.

OX-EYE DAISY (*Chrysanthemum leucanthemum*). — Appearing in the eastern counties, where it seems to thrive.

FAUNA.¹⁰ The little work that has thus far been done in Nebraska towards gaining a knowledge of its animal life, indicates that our fauna is comparatively rich in species and in many instances in individuals also. In fact, in this respect it seems to be ahead of most of the neighboring states. Several causes for this richness in forms of life may be cited. When we take into consideration the variation in altitude above sea level, the differences in surface configuration, climate, etc., that pertain to the state, its location, and the relation which it bears to the country at large, perhaps the wonderment concerning this great richness will be less. Our southeastern corner is only about eight hundred feet, our western border almost six thousand feet above tide water. The state is divided into timbered, prairie, and plains regions. It lies nearly in the middle of the United States, with a high mountain chain to the west and a giant waterway along its eastern boundary. In fact, in Nebraska meet eastern, western, southern, and northern faunas, while we also have a fauna of our own, so to speak. We find forms belonging to low and high altitudes, to wet and dry climates, to

¹⁰ This description of the animal life of Nebraska is by Lawrence Bruner, B.Sc., professor of entomology and ornithology in the University of Nebraska.—Ed.

timbered and prairie countries, as well as to semi-desert and alkali regions. The sandy interior also offers special features for a distinct fauna.

A casual comparison of past and present conditions shows that the native animals have materially changed since Nebraska was first settled. Many of the earlier forms have disappeared or become much restricted in their distribution. On the other hand, several forms have greatly increased in numbers and have extended their range as well. Less than fifty years ago our plains were covered by immense herds of the bison, or American buffalo, and elk in large bands roamed at liberty throughout the middle and western portions. Both species of deer, the white-tailed or Virginia, and the black-tailed or mule, in considerable numbers, were to be seen in our woodlands, among the fringes of brush and trees that marked the smaller water-courses, or else lurked in the tall grasses of the sand-hills and other rough portions of the country where they were able to hide during daytime from their lesser enemies. The antelope ranged the prairies at will, even to within a comparatively short distance of our eastern borders. Some mountain sheep, too, were at home in the rougher country in the northwest, while at times small bands of wild horses also galloped over the Plains. Coincident and in a measure dependent upon these for their food supply were foxes, wolves, panthers, lynxes, and even a few bears. But all this is now changed. Where the bison, elk, deer, and antelope once browsed our grasses, we now have instead herds of cattle and sheep. The larger and fiercer carnivora, along with the forms upon which they were dependent, have been killed or driven away.

The numbers of our small mammals, too, have been greatly changed. The beaver, otter, wolverine, badger, and several others of the fur-bearing kinds are now very scarce where they were once common or even abundant. A few of the rodents, such as are favored by the cultivation of the soil and growing of grain, instead of diminishing, have increased. These are forms like the prairie dog, pocket gopher,

and ground squirrels, together with some of the mice. Several forms have even come into the state from beyond our borders and are now much at home in towns and cities as well as about our buildings on the farms.

Bird life, too, has greatly changed in Nebraska since the advent of civilized man. Many of our larger and most showy species have nearly or altogether disappeared; while a number of the smaller ones, which were formerly present in flocks of thousands, are now few and scattered. Of the larger species are the wild turkey, cranes, Canada goose, and swans, both the whistling and trumpeter; and of the smaller, birds like the Eskimo curlew, Bartram's sandpiper and golden plover. Then, too, the Lesser prairie hen, which was occasionally taken in the middle and upper portions of the Elkhorn valley, seems to have almost or quite disappeared from the state.

Notwithstanding the ravages that have been wrought by the thoughtless upon the bird life as formerly found within our borders, we still lead our sister states in the number of distinct species which are regular or incidental to our fauna. The partial, but rather careful study which has already been made has brought to light fully 415 or perhaps 420 recognized forms. Many of these are exceedingly valuable, and most of the others notably beneficial as insect destroyers or eaters of the seeds of noxious weeds, and only a few—less than half a dozen species—definitely harmful. Owing to the persistent efforts of our teachers, backed by the various members of the Nebraska Ornithologists' Union, a majority of our leading citizens, and the state press generally, a very strong sentiment in favor of bird protection is being established here. It is to be hoped that this sentiment will be a guaranty of the future protection and increase of our feathered friends.

Our fishes, while not numerous in individuals in every case, are nevertheless quite plentiful in distinct kinds. Some new and valuable forms have been added in the past and are annually being added to suitable waters. Just how many distinct forms occur in the waters of Nebraska is not even a matter of

conjecture, since little or no effort has as yet been made towards a systematic collection of the forms found in any one stream, to say nothing of the numerous watercourses of the state.

The batrachians, reptiles, and ophidians are also quite well represented when we take into consideration the conditions under which these various animals must exist. Only the latter, however, have received anything like a moderately careful study. In 1901, W. Edgar Taylor, at that time professor of natural history in the State Normal school at Peru, prepared a paper on this group which was published in connection with the report of the State Board of Agriculture for that year. In this treatise twenty-five varieties are described. Although incomplete, it answers fairly well as a good beginning towards a knowledge of our snakes.

Such other animal forms as the mollusks, crustaceans, vermes, etc., along with the myriapods, arachnids, and insects, which form by far the larger percentage of the animal life of any region, are still much less known. Notwithstanding this comparative lack of knowledge on the part of the students of natural history concerning the life indigenous to the state, enough is known to warrant the statement that all of these are also well represented in every section of Nebraska. Of course the necessary investigations regarding the presence and ravages of harmful insects, which have been carried on from time to time in various regions during different years, have supplied the data for some working knowledge of these creatures. Aside from this cursory work, however, no systematic attempt has been made towards learning just what forms are to be found here, or what part the different kinds take in the economy of nature. In the very few isolated groups that have been at all carefully studied the results show much larger lists than were expected. For example, the butterflies number about one hundred and forty distinct kinds; the grasshoppers one hundred and eighty; the tiger beetles approximately forty, the bees several hundred, etc. Taken together, perhaps, our complete list of insects when made out will be in the neighborhood of

from twelve thousand to fifteen thousand species. Then to these must be added something like five or six hundred spiders and other arachnids, seventy-five myriapods, and an indeterminate number of parasitic worms, crustacea, and other minute forms which live in the soil and water.

Among the insects that are of especial interest, for one reason or another, such pests as the destructive grasshoppers, or locusts, the chinch bug, the army worm, codling moth, tent caterpillar, cut-worms, June beetles, Colorado potato beetle, squash bug, and, in fact, most of the other recognized pests of this class, figure conspicuously. Some of these are na-

tive to the state, while others have been introduced from regions beyond our borders. Commendable interest is taken by both our horticulturists and agriculturalists towards their suppression, and a continual warfare is being waged against them. Aside from the large number of destructive species that are indigenous to the state, we are also favored with equally large numbers of predaceous and parasitic forms which are doing their share toward keeping in check the harmful ones above referred to. Thus it is that the natural balance is, in a measure, maintained among these numerous kinds of animals which are at home in our state.

CHAPTER II

ABORIGINAL OCCUPANTS¹ — SPANISH AND FRENCH EXPLORERS — AMERICAN EXPEDITIONS —
FUR TRADE — FIRST SETTLEMENTS — EARLY TRADERS — AUTHENTIC EXPLORATIONS.

THE natural tendency of migration since history began has been westward; and the movements of the Amerind are not an exception to this general rule. As the streams which drain North America have a general trend from north to south, and as the rule for human activity is to proceed along the lines of least resistance, it might be supposed that the Amerind would follow up these streams and change the general order by moving forward from south to north or from north to south. There was a stronger influence than the mere contour of the land which drew the tide of emigration, although this had its effect to such an extent that the route of travel had a west-by-northwest trend. The food supply became the main factor in determining the direction of migration. The buffalo, which, though indigenous to the whole central region of North America, were partial to the open country, enticed the Indian to the Nebraska plains, which they possessed in vast herds. This useful animal was the source of supply for every want: food from his flesh, raiment and shelter from his hide, implements from his bones, vessels for holding liquids from his intestines, and fuel from his dung. The buffalo made it possible for great numbers of Indians to subsist in comparative ease on the treeless plains of Nebraska. How much of the

food supply of the aborigines, before the advent of the buffalo, may have been derived from agricultural pursuits is unknown; but it is certain that as the tribes spread westward and the buffalo became more numerous, agriculture decreased, until, when white settlers first came in contact with the tribes of Nebraska, little attention was given to it.

By far the greater number of Indian tribes, which have inhabited the territory that now comprises Nebraska, followed this general rule of migration from east to west. These tribes belonged to two linguistic families, the Algonkian² and Siouan. Both of these great families sprang from the region east of the Appalachian mountains and in turn occupied nearly the whole of the Mississippi valley.

The first occupants of Nebraska did not follow this rule. The Caddoan linguistic family had its home in the south near the banks of the Red river, and migrated northward, occupying the valleys of the Kansas river, and reaching northward to the valley of the Platte river and westward to the foothills of the mountains. Two other linguistic families, the Shoshonean and Kiowan, encroached on our territory from the west. They hunted along the headwaters of the Republican and Platte rivers, and claimed part of the territory of this state, although few, if any, ruins of their permanent homes are found within its present limits. Only these five linguistic families were found in Nebraska, and but two of them, the Caddoan and Siouan, are of importance to our history. Tribes of these two families had their permanent habitat within the state, and fought with one another and among themselves for su-

¹ This classification of Indian tribes and bands should be credited to Mr. E. E. Blackman, archaeologist of the Nebraska State Historical Society; and the particulars as to the numbers and location of certain tribes, before the organization of Nebraska territory, to a paper by Clyde B. Aitchison.

² In the spelling of the names of Indian tribes it has been found more practicable to follow the Standard dictionary than the diverse and contradictory usage of scientific writers in the reports of the Bureau of Ethnology. — ED.



TYPES OF NEBRASKA INDIANS

premacv on our eastern border and along the Platte valley.

The original home of the Caddoan linguistic family was on the Red river of the south. Prior to the year 1400, one band, known as the Skidi, branched off from the main stock and drifted to the Platte valley. The exact line of migration is difficult to determine, but a tradition says this tribe lived as allies of the Omahas near the mouth of the Ohio river. It is not impossible that they may have followed up the Missouri river in coming to the Platte valley, where, according to Dunbar,



From a photograph owned by Mr. A. E. Sheldon.

MARPIYA LUTA (RED CLOUD)

Chief of the Ogallala Sioux, at the age of seventy years

they were located in 1400. Prior to 1500, another band branched off from the main stock and drifted northward to a point near the present Kansas-Nebraska line. Here the Wichitas turned back and went south, while the Pawnees moved northward and occupied the Platte valley and intervening country. In 1541 Coronado found the Wichitas near the Kansas river and sent a summons to the "Lord of Harahey" (the Pawnee) to visit him, which

he did with two hundred naked warriors. This is the earliest authentic record of Indian occupancy of Nebraska. This is the first time civilized man (if we can call Coronado's followers civilized) ever saw an Indian from what is now Nebraska. All history before this is legendary, and legendary history is so conflicting that we may only say that it is possibly true.

How far Oñate penetrated in his trip north-eastward from New Mexico, in 1599, is difficult to determine. He says he visited the city of Quivera, which was on the north bank of a wide and shallow river (very like the Platte). He says he fought with "Escanzaques" and killed "a thousand." This battle may have been in Nebraska. Penalosa also claims to have visited the same locality in 1662, to have met the "Escanzaques," and to have beaten them in a like encounter.

When these brief glimpses into Spanish history are substantiated by further research we may be able to add some early data bearing on Indian occupancy of Nebraska.

The Pawnees (proper), consisting of three main tribes, the Choui (or Grand), the Pitahow-e-rat (or Tapage), and the Kit-ke-hak-i (or Republican) emigrated to the Platte valley prior to 1500. They held the country fifty miles west of the Missouri river, and eventually conquered the Skidi band, which had come here a hundred years before, and adopted it into their own tribe. Before the Pawnees came, however, a band called Arikara had drifted away from the Skidi band and established itself on the Missouri river, but out of the bounds of Nebraska. The Arikaras came into Nebraska and lived with the Skidi tribe for three years, from 1832 to 1835, when they returned home.

In the *Huntsman's Echo* of February 21, 1861, the editor thus perspicuously describes the condition of the Pawnees on their reserve at Genoa, as he had ascertained it by a visit there a few days before:

The Pawnees number at present about four thousand souls and a fraction over, and when "at home" live in a cluster of huts built with crotches and poles, covered, top and sides,

with willows, then with grass and dirt, giving the appearance at a little distance of an immense collection of "potato hills," all of a circular shape and oval. The entrance is through a passage walled with earth, the hole in the center at top serving both for window and chimney, the fire being built in the center. Along the sides little apartments are divided off from the main room by partitions of willow, rush or flag, some of them being neatly and tidily constructed, and altogether these lodges are quite roomy and comfortable, and each is frequently the abode of two or more families. In these villages there is no regularity of streets, walks, or alleys, but each builds in a rather promiscuous manner, having no other care than to taste and convenience. The tribe is divided into five bands, each being under a special chief or leader, and the whole confederation being under one principal chief. Each band has its habitation separate and distinct from the other, three bands living in villages adjoining and all composing one village, the other two villages, some little distance. There is frequently some considerable rivalry between the several bands in fighting, hunting, and other sports, and not infrequently one band commits thefts upon the effects of another.

At this time, we are told, the Pawnees had several thousand horses, but owing to the hard winter hundreds had died from sore-tongue and other diseases. The animals lived out all the winter upon the dry grass; but if the snow was too deep for them to reach it, cottonwood trees were cut down and the horses would subsist upon the bark. These horses were above the luxuries of civilized life, and refused to eat corn when it was placed before them. They were valued at from thirty to sixty dollars each.

The Pawnees at this time usually took two general hunts each year in which all the people, old and young, great and small, participated, abandoning their villages to go to the buffalo range. From the spoils of the summer hunt they made jerked meat and lodge skins; and from those of the fall hunt, in October and November, they made robes, furs, tanned skins, and dried meat. These Indians had a field of considerable extent near each village where the land was allotted to the various families, and goodly quantities of corn and

beans were grown. With these and a little flour and sugar they managed to eke out a miserable existence, sometimes full-fed and sometimes starved.

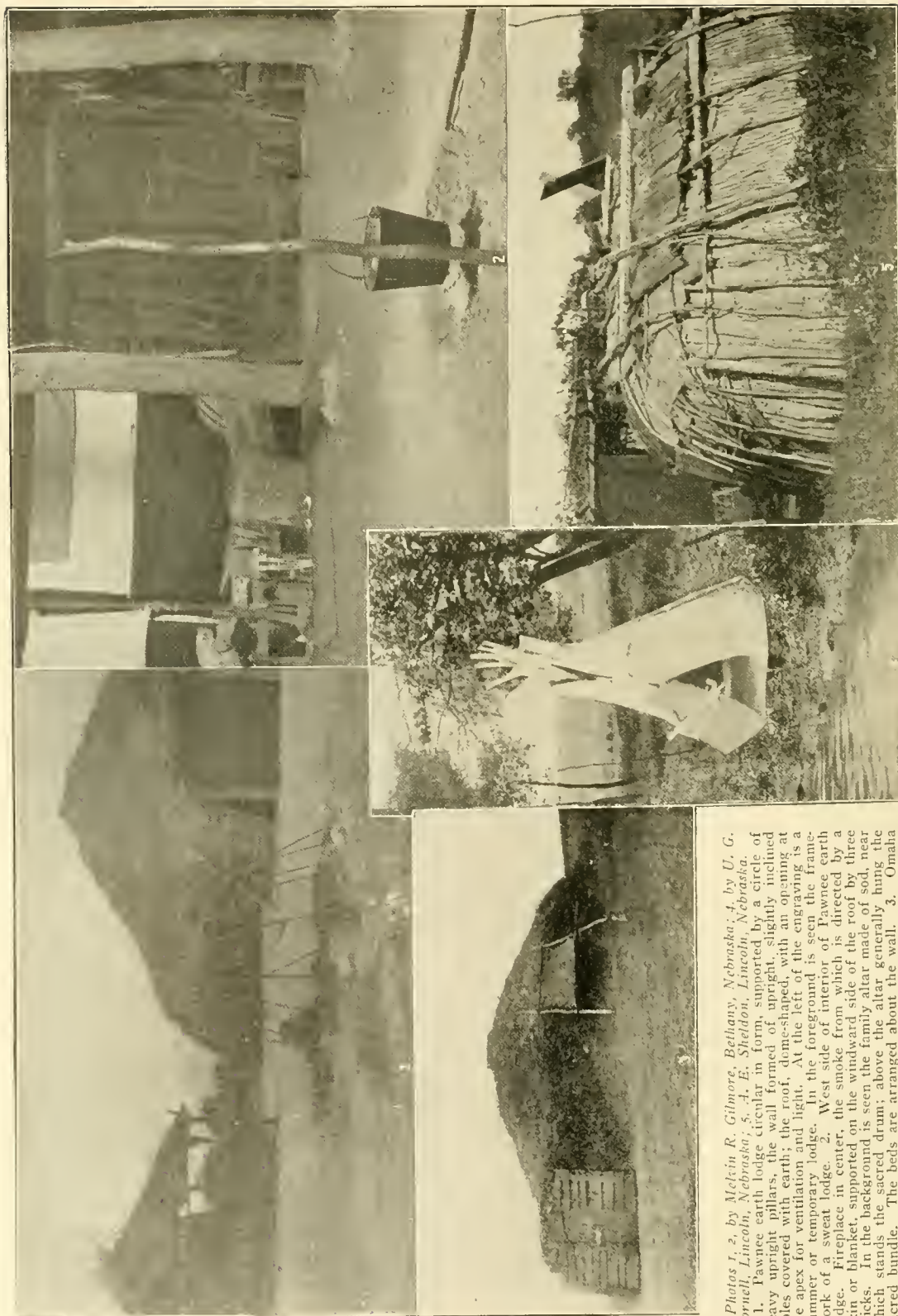
The females are the working bees of the hive; they dig up the soil, raise and gather the crops, cut timber and build the lodges, pack wood and water, cook, nurse the babies, carry all the burdens, tan the skins and make the robes and moccasins. The lords of the other sex recline by the fire or in the shade, kill the game and their enemies, do the stealing and most of the eating, wear the most ornaments, and play the dandy in their way to a scratch. They are of a tall, graceful, and athletic figure, as straight as an arrow and as proud as a lord, whilst the squaws are short, thick, stooping, poorly clad, filthy, and squalid. Parentless children and the very aged are sometimes left behind, or by the wayside, to perish as useless.

Pike visited the Republican Pawnees in 1806; they dwelt near the south line of the state until about 1812, when they joined the rest of the band north of the Platte river. Dunbar³ gives the location of the various tribes in 1834; the Choui band resided on the south bank of the Platte, twenty miles above the mouth of the Loup; the Kit-ke-hak-i lived eighteen miles northwest, on the north side of the Loup; the Pita-how-e-rat, eleven miles farther up the Loup, and the Skidi, five miles above these; and he says they changed their villages every eight or ten years. In 1833 the Pawnees ceded the territory south of the Platte to the United States. In 1857 they ceded the territory north of the Platte, except their reservation in Nance county. The territory ceded, according to Chas. C. Royce,⁴ embraced the central third of the entire state. The reservation above mentioned was ceded in 1876, and the Pawnees were taken to Indian Territory, where they now have a reservation.

The various branches of the Siouan linguistic stock have come to this state at five different times. The first were the Mandans, whose coming is shrouded in antiquity. Catlin claims to have traced their earthworks and habitat down the Ohio river and up the Mis-

³ *Mag. Am. Hist.*, vols. 4 and 5.

⁴ *18th Rept. Bureau of Ethnology*, pt. 2.



Photos 1, 2, by Melvin R. Gilmore, Bethany, Nebraska; 4, by U. G. Cornell, Lincoln, Nebraska; 5, A. E. Sheldon, Lincoln, Nebraska.

1. Pawnee earth lodge circular in form, supported by a circle of heavy upright pillars, the wall formed of upright, slightly inclined poles covered with earth; the roof, dome-shaped, with an opening at the apex for ventilation and light. At the left of the engraving is a summer or temporary lodge. 2. West side of interior of Pawnee earth lodge. Fireplace in center, the smoke from which is directed by a skin or blanket, supported on the windward side of the roof by three sticks. In the background is seen the family altar made of sod, near which stands the sacred drum; above the altar generally hang the sacred bundle. The beds are arranged about the wall. 3. Omaha earth lodge. This particular lodge existed some years ago twelve miles north of Omaha. 4. Santee Sioux tepee. 5. Rear view of Winnebago bark lodge.

souri.⁵ McGee says the Siouan family began to cross the Appalachian mountains one thousand years ago. The Mandans were among the first to break off from the parent stock, and the only excuse we have for including them in our history is the probability that they crossed our borders on their way up the Missouri river some time prior to the coming of the Skidi band in 1400.

McGee says the Omaha tribe was near the mouth of the Ohio river in 1500, so its coming to Nebraska must have been after that date. It is traced quite accurately up the Missouri and Des Moines rivers to its present home in the northeast part of Nebraska. The Osage tribe branched off and remained at the Osage river. The Kansas tribe came on to the Kansas river, and there established its permanent habitat. The date of the arrival of the Kansas tribe is sufficiently early to allow the "Escanzaques" of Oñate to be regarded as Kansas Indians. The Omahas and Poncas remained together until about 1650, when the latter moved northward and occupied the country from the mouth of the Niobrara west to the Black Hills. By the treaty of March 16, 1854, the Omahas ceded the northeast third of the present state to the United States, excepting that part north of a line drawn due west from the mouth of the Aoway river. That tongue of land which was added to Nebraska in 1890, by authority of the act of Congress of March 28, 1882, and which lies between the Niobrara, Keya Paha, and Missouri rivers, was ceded by the Poncas in 1858, except a small reservation. In 1877 the Poncas were moved to Indian Territory.

The Dakota City *Herald*,⁶ in noting that the Omahas had just received their annuity on their reservation from Captain Moore, Indian agent, makes the following observation as to their condition: "They are being gathered to their fathers fast, very fast, as they now number only 964 savage souls. The amount of their payment was \$23,000 and averaged about \$24 a head. Since Uncle Sam supplied them with a few 'scads' they have paid fre-

quent visits to our town, and laid something out for the purpose of laying something in." From the observant editor's remarks it appears that the Indians did not confine their inebriety to alcoholic drinks. He relates that "five of these red sons of the forest, two red squaws in red blankets, and one pale red pappoose put up at the Bates house on Sunday night for supper." They had a table by themselves, by courtesy of the landlord, and, "in the language of the Arkansas bride, 'they sot and sot' until they stowed away everything eatable within reach or sight. Seventy-seven cups of coffee were drank at the sitting, and but one, a young squaw, gave out. After getting down seven cups she failed on coffee; the others kept on until the kettle gave out. When the meal was over they paid the landlord two bits apiece and departed."

The third detachment of the Siouan family to occupy Nebraska consisted of three tribes, the Otoe, Missouri, and the Iowa. The Otoes and Iowas have always been closely related. They were first seen at the mouth of the Des Moines river by Marquette in 1673. They are said, by tradition, to have sprung from the Winnebago stock. It is stated that in 1699 they went to live near the Omahas. The Missouris have had a very checkered career. They were first seen in 1670 at the mouth of the Missouri river. Soon after 1700 they were overcome by the Sac and Fox and other tribes. Most of them joined the Otoe tribe, but a few went with the Osage and some joined the Kansas tribe. They have never ceded land to the United States except in company with the Otoes, but they have been a party to every Otoe transaction. To all intents and purposes the Otoes and Missouris have been as one tribe during their occupancy of this state.

The Otoes and Missouris ceded the southeast portion of the state to the United States in 1833; this cession embraced the land south and west of the Nemaha. The remaining portion of land which they claimed, lay between the Nemaha, Missouri, and Platte rivers, reaching as far west as Seward county. This last tract was ceded in 1854, when they returned to their reservation south of Beatrice.

⁵ Catlin, *North American Indians*.

⁶ November 19, 1859.



Engraving from a photograph taken in New York City in 1866, and owned by the Nebraska State Historical Society.

A GROUP OF WINNEBAGO INDIAN CHIEFS, WITH THEIR AGENT, ROBERT W. FURNAS, TRADER MAJOR F. J. DEWITT, AND INTERPRETERS

This they relinquished in 1881, and they now live in Oklahoma. Most of the Iowas remained east of our border until 1836, when they were given a tract of land along the south bank of the Nemaha. This they retained in part in individual allotment, but they remained under the Great Nemaha agency. This tribe was always closely associated with the Otoe, but was never under the same tribal organization as was the Missouri tribe. All three tribes belonged to the same branch of the Siouan family as the Winnebago.

These cessions gave the United States title to the east two-thirds of the state. The earliest treaty by which they acquired title to land in this state was made with the Kansas in 1825; by this treaty the Kansas ceded a semi-circular tract along the south line, reaching from Falls City to Red Willow county and nearly as far north as Lincoln. So it seems that the Kansas laid claim to at least part of our territory.

The next detachment of the great Siouan family to invade Nebraska was from the northern branch of this tribe which dwelt along the Great Lakes. The Assiniboins had separated from this branch as early as 1650, and, according to McGee, were near the Lake of the Woods in 1766, so they had not long wandered over our soil when written history began.

The Pawnees and Omahas joined in repelling the advance of these northern tribes and held them well back from the waterways for many years, but they hunted on the headwaters of the Platte and Republican and even as far south as the headwaters of the Smoky Hill and Solomon rivers.

The Crows were doubtless the first to encroach on the Platte valley; they drifted to the Black Hills in an early day and hunted on the Platte from the northwest. The Blackfeet, a branch of the Saskatchewan tribe, came later. The Yankton, Santee, Brulé, Sisseton, Ogallala, Teton, Minnetaree, and parts of other tribes from time to time hunted or fought on the headwaters of the Platte. They joined in ceding the northwest part of the state to the United States in 1868, reserving for themselves a common hunting right, which they

relinquished in 1875. They are now on the various reservations in Dakota and Indian Territory.

The Winnebagoes were the last of the great Siouan family to come; they were moved from Minnesota to a part of the Omaha reservation in 1862, where they still reside. Schoolcraft says this tribe once lived on a branch of the Crow Wing river in Minnesota. Some of the Santee Sioux were moved to Nebraska at the same time, but many of both tribes came across the country before.



Photograph owned by the Nebraska State Historical Society.

SENTEGALESKA (SPOTTED TAIL)
Hereditary Chief of the Sioux

To the Algonkian family belong the Cheyenne, Arapaho, and Atsina, who wandered over the western part of Nebraska, as did the Sac and Fox tribe, which had a reservation in the extreme southeast part of the state from 1836 to 1885. The Algonkian family once occupied the greater part of the Mississippi valley. At a very early date the Cheyennes drifted westward through the Dakotas and gave their name to one of the important streams. Later they drifted southward. Lewis and Clark mentioned this tribe as occupying a

position on the Cheyenne river in 1804, while Long in his expedition of 1819 found a small band which had seceded from the main stock on the Cheyenne river, and had roamed with the Arapaho along the Platte river. There is a record, by Frémont, of this tribe being on the Platte above Grand Island in 1843. They ceded the southwestern portion of Nebraska in 1861.

The Arapahos, like the Cheyennes, occupied Nebraska as a roaming tribe. The impression left by the very limited number of writers who have spoken of them, seems to be that they came from the north. They were pressed by the Sioux from the east and by the Shoshoneans from the west. The date of their coming to Nebraska is obscure. The time of their separation from the eastern parent stock is shrouded in antiquity, and as early travelers found them a wild race, and not easy to study, little of their early history is recorded. They joined the Cheyenne and Arkansas Indians in ceding to the United States government the extreme southwest portion of Nebraska. So far as can be learned the Arkansas never occupied any part of Nebraska. The Atsinas were closely allied to the Blackfeet (Siouan) and, since whites have known them, have affiliated with that tribe. They are distinctly Algonkian, however, and have a legend telling how they came to separate from the Arapahos.

As stated above, the Algonkian stock occupied most of the Mississippi valley at one time. The United States purchased all of Missouri north of the river, most of Iowa, and a part of Illinois, Wisconsin, and Minnesota from the Sacs and Foxes. They seem to have been the original owners of the Mississippi and Missouri front, and the Siouan tribes as they drifted westward doubtless had them to deal with. This may account for the movement westward of the Otoe and the Kansas tribes across the river. The Sacs and Foxes relinquished their possessions and retired to a southern reservation, excepting a band which took a reserve on the Great Nemaha river,

partly in Nebraska and partly in Kansas, and which remains in the Great Nemaha agency.

Powell⁷ does not believe that the Shoshonean family occupied a part of Nebraska, and it is doubtful whether any part of this family had more than a transient home within the state. It is certain that the Comanches roamed over our territory, and doubtless the "Padoucas" once had a more or less permanent home here; at least the north fork of the Platte river was known in the early days as the Padouca fork. Mooney⁸ says: "In 1719 the Comanche were mentioned under their Siouan name of Padouca as living in what is now western Kansas. It must be remembered that five hundred to eight hundred miles was an ordinary range for a Plains tribe, and the Comanches were equally at home on the Platte or in Chihuahua (Mexico)." / The great Shoshonean family occupied the mountain country from the south line of Oregon to the north line of Arizona, and extended from the Pacific coast at the southwest corner of California, nearly to the west line of what is now Nebraska. It was a powerful and numerous people. Later the Siouan bands drove the Comanches south and the other branches of the Shoshonean family west and north. Lewis and Clark in 1805, mention the Padoucas as extinct except in name. Bourgmont visited the Padoucas on the head-waters of the Kansas in 1724. The Comanches and the Kansas were closely associated for one hundred and fifty years, says Mooney. There is no record that the Comanches ever ceded any part of this state to the United States.

About 1700 a tribe of the Kiowan family migrated from the far northwest and took up a residence in the vicinity of the Black Hills. From there it was driven by the Siouan tribes, and Lewis and Clark mention it as residing on the north fork of the Platte in 1805, and numbering seventy tepees. It slowly drifted southward until it occupied the country south of the Arkansas river. As this tribe never lived far from the mountains, its occupancy of Nebraska was but transient. Powell shows this linguistic family as occupying the extreme southwest part of Nebraska, but there is no

⁷ 7th Ann. Rept. Bureau of Ethnol., p. 109.

⁸ 14th Ann. Rept. Bureau of Ethnol., pt. 2, p. 1044.

record that it ever ceded any part of the state.

There was a "half-breed" tract situated between the Nemaha and Missouri rivers set apart in 1830, intended for the home of civilized Indians belonging to the Omaha, Iowa, Otoe, Yankton, and Santee Sioux half-breeds. The Pine Ridge and Rosebud agencies are located just north of the north line of Nebraska, in South Dakota, and the Indian title to a

against 2,685 in 1890. An Indian school is maintained by the federal government in this state, on the Santee, the Winnebago, and the Omaha reservations, while a boarding school for Indians is situated at Genoa, in Nance county.

All tribal lands, except a small part of the Omaha reservation, have been allotted in severalty, and all Indians are taxed as citizens of the state. The Omahas now number twelve hundred and the Winnebagos eleven hundred. The Omahas are of a higher grade of development and civilization and are slowly increasing in numbers. In their married relations they observe the principle of monogamy with creditable faithfulness, and they are inclined to hold on to and to cultivate their lands. The Winnebagos, on the other hand, live much more loosely in this respect; comparatively few of them are lawfully married, and they have but little regard for the marriage bond. They are much less persistent than the Omahas in holding on to their lands, and less regular and industrious in their habits. All the lands of the reservation, except a few hundred acres of a very poor quality, have now been allotted. Under the law, lands which have been allotted can not be alienated by the original grantees nor by their inheritors as long as there are minor heirs. Thus far this class of lands amounts to about ten per cent of the total allotment, or about fifteen hundred acres. As late as 1846 there were only a very few white settlers, scattered here and there, in that part of southwestern Iowa bordering on the Missouri river. By the treaty of September 26, 1833, five million acres of land in southwestern Iowa, extending north to the mouth of Boyer river, south to the mouth of the Nodaway river, and east to the west line of the Sac and Fox lands, were granted to the Pottawatomie tribe of Indians, numbering about twenty-two hundred and fifty. Some Ottawas and Chippeways living with the Pottawatomies were participants in this grant. All of these Indians had been removed from the vicinity of Chicago. A subagency and trading post was established at Traders Point (or at St. Francis), Iowa. By a treaty with



From a photograph owned by Mrs. Harriet S. Mac-Murphy, Omaha.

HENRY FONTENELLE

United States interpreter to the Omaha Indians

narrow strip adjoining in this state is not yet extinguished. There are titles in the old Sac and Fox and Iowa reservation, in Richardson county, still vested in Indians, and a few live there. The Santee agency, near Niobrara, still maintains an agent who reports to the commissioner of Indian affairs for this tribe and also for the Ponca subagency, situated twenty miles west between the Niobrara and Missouri rivers. The Indians at these agencies, together with the Omahas and Winnebagoes, in Thurston county, are the only Indian wards of the government in Nebraska at the present time. According to the census of 1900 there were 3,322 Indians in the state,



Alice A. Minick



John S. Minick

NOTE — John S. Minick was one of the incorporators of the Nemaha County Agricultural Society, incorporated by act of the territorial legislature, February 9, 1857, and was elected president of the board September 12, 1857. He was for a number of years a merchant at Nemaha City and at Aspinwall and was in business at the former place as late as 1885. He was an active worker in the Good Templar organization. According to the *Brownville Advertiser*, Mr. Minick had his entire claim of 160 acres fenced and under cultivation in June, 1857, fourteen months after he had located upon it.

the United States, made "at the agency near Council Bluffs," June 5, 1846, the Pottawatomies relinquished these Iowa lands. The agency at Bellevue, on the opposite side of the Missouri river, had jurisdiction over the Omahas, Otoes, Poncas, and Pawnees. The Council Bluffs subagency on the Iowa side of the river was subject to the agency at Bellevue. As has already been indicated, Council Bluffs was as shifting as the great river whose shores its various sites adorned. It was first applied to the Lewis and Clark encampment, eighteen miles north of Omaha; then, by reflection and by a sort of evolutionary southward movement, to Bellevue; still later, to the subagency on the Iowa border opposite Bellevue. In 1853 — January 19th — Council Bluffs was substituted for Kanesville, which was the original name (after a brother of Kane, the arctic explorer) of the hamlet on the site of the present city of Council Bluffs. Thereafter the place was known by its present name by designation of the postoffice department; and it was formally incorporated by act of the Iowa assembly, February 24, 1853. According to the *Frontier Guardian* of September 18, 1850, a census taken at that time yielded a population of 1,103 for Kanesville and 125 for Trading Point or Council Bluffs; so that as late as that date the migratory name of Council Bluffs had not reached the northern settlement of Kanesville, but by local usage was confined to Traders, or Trading Point.

The domain of the Omahas lay to the north of the Platte river, and that of the Otoes about its mouth — both, along the Missouri river. A strip of land intervening was a source of chronic dispute between these tribes. At the time of the Louisiana Purchase the Otoes numbered about two hundred warriors, including twenty-five or thirty Missouris. A band of this tribe had been living with the Otoes for about twenty-five years. In 1799 the Omahas numbered five hundred warriors; but as the Mormons found them in 1846 this tribe, and the Otoes as well, had been reduced by the scourge of smallpox to a mere remnant of their former numbers. These Indians are described by their white neighbors of that

time as being almost destitute of martial spirit and not viciously inclined, but naturally ready to rob and steal when prompted by hunger, which, unfortunately for their white neighbors, was their nearly chronic condition. Orson Hyde, editor of the *Frontier Guardian*, in its issue of March 21, 1849, inspired by the



From a photograph in the Coffin collection, in the Museum of the Nebraska State Historical Society.

PIT-A-LE-SHAR-U (MAN CHIEF)
Head chief of the Pawnees

wisdom of Solomon, advised the use of the rod, and a real hickory at that, on the thieving Omahas and others. It is said that the Omahas were exceptionally miserable. "Unprotected from their old foes, the Sioux, yet forbidden to enter into a defensive alliance with them, they were reduced to a pitiable handful of scarcely more than a hundred families, the

prey of disease, poverty-stricken, too cowardly to venture from the shadow of their tepees to gather their scanty crops, unlucky in the hunt, slow in the chase, and too dispirited to be daring or successful thieves."

In the region between the Niobrara and Missouri rivers were the Poncas, some five hundred or six hundred in number, and but little better than the Omahas and Otoes in condition and circumstances. According to Lewis and Clark, the Grand Pawnee and Republican Pawnee, numbering respectively five hundred and two hundred and fifty men, dwelt in 1804, on the south side of the Platte opposite the mouth of the Loup; the Pawnee Loup or Wolf Pawnee, comprising two hundred and eighty men, on the Loup fork of the Platte about ninety miles above the principal Pawnee; and a fourth band of four hundred men on the Red river. Clayton's *Emigrant's Guide*, in 1848, finds the old Pawnee Mission station at Plum Creek, latitude $41^{\circ} 22' 37''$; nine and a quarter miles east of the Loup Fork ford (latitude $41^{\circ} 22' 37''$; longitude $98^{\circ} 11'$); and the old Pawnee village, formerly occupied by the Grand Pawnee and Tappa, half a mile west of the Loup Fork. This village was burned by the Sioux in the fall of 1846. In the spring of 1847 the Pawnee were found on the Loup Fork, about thirty miles east of the old village, according to the same authority.

Celebrated Chieftains. Among the Indians distinction was won through heroism upon the battlefield; consequently, their great men are warriors. No doubt many of the great Indian chieftains would rank among their own people with the great generals of the civilized nations. Indeed none could be more brave nor exercise greater fearlessness and courage upon the battlefield. They had no use for a coward, and deeds of bravery were greatly prized. A history of the Plains country would be incomplete without mention of a number of distinguished chieftains:

Marpiya Luta (Red Cloud), chief of the Ogalalla Sioux, was one of the great generals in various wars against the United States. He was born in 1821 in Deuel county, Ne-

braska. Red Cloud earned distinction and the name he bore at the age of sixteen, and for twenty years was a successful leader against other Indian tribes. He planned the fight against Fort Phil Kearney in 1866 in which nearly one hundred soldiers were slain. He abandoned the war path in 1869. He was prominent in all the councils and treaties of his tribe after that date. In a tribal feud, Red Cloud slew Bull Bear, a prominent Sioux chief. His home for many years was in a small frame house near Pine Ridge agency. He visited Washington sixteen times. He spent his last years in total blindness.

Sentegaleska (Spotted Tail), a Brule Sioux, came up from the ranks and became one of the most distinguished of the red men. He gained prominence when only eighteen years old through deadly combat with a subchief, and rose rapidly in the councils of his people until he was chosen hereditary chief of the entire Sioux nation. He went to Washington as a delegate in 1872, and was crowned "King of the Sioux" in 1876 by General Crook.

Spotted Tail was not only a warrior of courage, but was unusually trustworthy and was respected by the white men with whom he was always friendly. He was killed in 1881 by Crow Dog, one of his subchiefs whom he sought to discipline. The tragedy occurred at Rosebud agency as Spotted Tail was preparing to visit Washington.

Pit-a-le-shar-u (Man Chief) approaches more nearly a type of Indian statesman than a warrior. He was of commanding presence, over six feet tall and had an expressive face. He obtained the chieftainship of the Pawnees in 1852, and lived in the vicinity of Fremont and Genoa. Man Chief delighted in dress and wore a showy head-dress of eagle's feathers of which he was extremely proud. He was in every way worthy of his high office. He was a great orator and ruled his people wisely through persuasion rather than by force. He was a delegate to Washington when the treaty of 1858 was ratified. In 1874 a pistol wound in the thigh proved fatal; the shot, though reported to be accidental, was probably fired intentionally by someone who

differed from him on the removal of the Pawnees to Indian Territory.

Logan Fontenelle (Shon-ga-ska), chief of the Omahas, was born near Fort Calhoun in 1825. His father was a Frenchman of nobility and his mother an Indian woman of the Omaha tribe. He was educated in St. Louis, but, upon the death of his father in 1840, he returned to Nebraska and became an interpreter. He was elected a chief of the Omahas in 1853 and retained the position until his death in 1855. He was respected and honored by the whites and had absolute control over his tribe. He was killed in battle with the Sioux.

Ta-ta-nka-I-yo-ta-nke (Sitting Bull) was born in the spring of 1834 on the banks of Grand river near the mouth of Stonewall creek in South Dakota. This continued to be his habitat during the greater part of his life. At the age of fourteen he achieved distinction on the war-path, and his father bestowed upon him his own name, Sitting Bull. He was a priest, or "medicine man," rather than a chief, but was a natural leader and gained much power and influence among his people by organizing and leading war parties. He came into special prominence by his participation in the battle of the Little Bighorn in Montana, June 25, 1876, in which Custer's entire command was slaughtered. Sitting Bull then made his escape into Canada, where he remained five years, and finally surrendered to the United States on promise of pardon. He was held a prisoner of war until 1883, when he again went to reside on Grand river. He continued, however, to lead the opposition to the government, and for seven years steadily opposed the treaty which was finally executed in 1889. He continued to be the center of Indian hostility until December, 1890, when he was killed during an attempt to place him under arrest.

Expedition of Coronado. Spain was pre-eminently the seat of chivalry at the time of the discovery of America and during the following centuries, while the country now comprising the United States was being discovered and colonized in detail—until it was

laughed out of her by Cervantes and knocked out of her by the practical and prosy peoples of the more northern countries and of the Teutonic race. But the spirit of chivalry was prolific of adventurous discoverers, through whose valorous enterprise, Spain had come to possess, at the time the little strip along the Atlantic comprising the American colonies was ready for political separation from Great Britain, the whole territory west of the Mississippi river now comprised in Mexico and the United States, except that portion within the limits of the states of Washington and Oregon. That part of these Spanish domains north of the present boundary line of Mexico, comprised more than two-thirds of the present area of the United States. At this time Spain also dominated Central and South America. Though Spain was the first discoverer of America, and established the first permanent colony within the territory of the United States, she no longer owns a foot of the continent; and she became so weak that she lost all her holdings through force. It was of the spirit of Spanish chivalry to seek success by the royal road. Her explorers and discoverers were either animated by the search for gold—like De Soto and Coronado—or for more illusive treasure, such as Ponce de Leon's elixir of life. But the ultimate race was not to the swift nor the final battle to the strong. The continent came to the men who knew how to wait.

While it is still an unsettled and perhaps not very important question whether the Spanish Coronado was the first white man to set foot in Nebraska, there is no doubt that he was the first white discoverer of whom there is any account of the great Plains tributary to the Missouri river, and that he came very near to the southern border of the state.

In 1539 a Franciscan friar, Marcos de Niza, whom Don Antonio de Mendoza, viceroy of Mexico, had sent to investigate reports of populous settlements in the region now comprized in Arizona and New Mexico, brought stories of vast wealth in the Seven Cities of Cibola. An army of about three hundred Spanish soldiers and one thousand Indians and

servants was raised and equipped for the conquest of the new country, and Francisco Vasquez de Coronado, governor of New Galicia, a western border province of Mexico, was placed in command of the expedition. Coronado appears to have been a bold and venturesome cavalier — a fit lieutenant of the ambitious viceroy. The expedition started from Compostela — the capital of Coronado's province, about three hundred and seventy-five miles northwest from the city of Mexico — February 23, 1540. On the 7th of July Coronado, with an advanced detachment of the main army, captured one of the seven small Zuñi villages, which, situated near the present western border of New Mexico, in about the latitude of 35°, and within a radius of five leagues, constituted the Seven Cities of Cibola. These villages were composed of small storehouses, three or four stories high, but the disappointed Spaniards found in them poverty instead of the fabled riches. On an expedition from this point, Coronado was partly compensated for his disappointment, though doubtless in a way which he did not fully appreciate, by discovering the Grand Canyon of the Colorado.

It was found that the riches lay far beyond, in the land of Quivera; and probably, through a stratagem to get rid of their cruel and oppressive visitors, the story of the New Eldorado was told by a native of Quivera who was met with as a captive of the natives of Cicuye, a fortified village east of Cibola on the Pecos river. The "Turk," as the Spaniards called the slave, on account of his appearance, told more stories of large towns with hoards of gold and silver and vast herds of buffalo in his country to the east. The greedy credulity of the Spaniards again listened to these fabulous tales, and in April or May, 1541, the army took up its eastward march with the Turk for its guide. The slave intentionally led them by a wandering course far to the south, and, provisions becoming scarce in the neighborhood of the head-waters of the Colorado river of Texas, Coronado sent back all of the army excepting from twenty-six to thirty-six soldiers, with whom he pushed

northward on his journey of forty-two days to Quivera, now under the guidance of a good Indian, Ysopete, also a native of the Plains, the perfidious Turk having been taken into custody. The party crossed the Arkansas in the neighborhood of its southern bend, not far from the present site of Dodge City. Thus the first white man's crossing of the Arkansas was at a place which, two hundred and sixty years later, was to become an angle in the division between the Louisiana Purchase ceded to the United States, and the residue of territory still held by Spain. At this point the boundary line changed from its northern course to the west along the Arkansas river. About eighty miles to the northwest, at the site of the present town of Great Bend, Coronado found the first Quivera village. He first met Indians of that name beyond the crossing not far from Kinsley and Larned. Here imminence of his exposure seems to have moved the Turk to confession that his people were strangers to the precious metals as well as to other riches, and he was straightway strangled by the enraged Spaniards. There was now nothing left for them to fall back upon, but appreciation of the richness of the soil; for Jarmillo, one of their chroniclers, says: "Some satisfaction was experienced on seeing the good appearance of the earth;" and Coronado himself writes that the soil of Quivera was "fat and black," and "the best I have ever seen for producing all the products of Spain." The buffalo is described by these travelers in a very naïve and realistic manner. Like the reindeer to the Laplander, this beast was food and raiment for the Indian natives, and it is curious to note that buffalo "chips" were used for fuel then, as they were until recent days by our own pioneers. "One evening there came up a terrible storm of wind and hail, which left in the camp hailstones as large as porringers, and even larger. They fell thick as raindrops, and in some spots the ground was covered with them to the depth of eight or ten inches. The storm caused many tears, weakness, and vows." Making a moderate allowance for the quickened imagination of the belated Spaniards, these stories of what they saw, indicate that

they journeyed not far from Nebraska. The substantial agreement of the conclusions drawn by Mr. Hodge of the ethnological bureau, of the accounts of their journey by the Spanish travelers themselves, with the actual field work of Mr. J. V. Brower, leaves little room for doubt that these adventurers reached the neighborhood of Junction City, or perhaps Manhattan, Kansas. Mr. Hodge, writing as late as 1899, observes that the common error in determining latitude in the sixteenth century was about two degrees; therefore when Coronado said that Quivera, "where I have reached it, is in the 40th degree," that means that it was in fact in the 38th degree; and Mr. Hodge adds: "Nothing is found in the narratives to show positively that either Coronado or any member of his force went beyond the present boundaries of Kansas during their stay of twenty-five days in the province of Quivera." Mr. E. E. Blackman of the Nebraska State Historical Society, thinks that the statements accredited to the Indians by Jaramillo, that there was nothing beyond the point reached by the Spaniards but Harahey — the Pawnee country — coupled with his own demonstrations that the Quivera village extended into Nebraska, show that the Spaniards crossed our border; and Simpson's studies led him to the conclusion that it is "exceedingly probable that he (Coronado) reached the 40th degree of latitude (now the boundary between the states of Kansas and Nebraska) well on towards the Missouri river." Bandelier, George Winship Parker, Hodge, and Brower all substantially agree with H. H. Bancroft's earlier statement (1899) that, "there is nothing in the Spaniards' descriptions of the region or of the journey to shake Simpson's conclusion that Quivera was in modern Kansas."

The writings of the Spaniards referred to are, in the main, Coronado's letters and formal accounts of the journey by Jaramillo, a captain in the expedition, and of Castañeda who went back with the main body of the army, but industriously collected his material from hearsay. The latest and perhaps the most thorough manuscript work has been done by Parker in *The Coronado Expedition*, and

Hodge in *Coronado's March*, and the results of their researches substantially accord with the field work of Brower and Blackman, which is still under prosecution, and may yet show that Coronado was the discoverer of Nebraska proper.

While this expedition appears to have been barren as to practical results, yet it has been said of it that "for extent in distance traveled, duration in time, extending from the spring

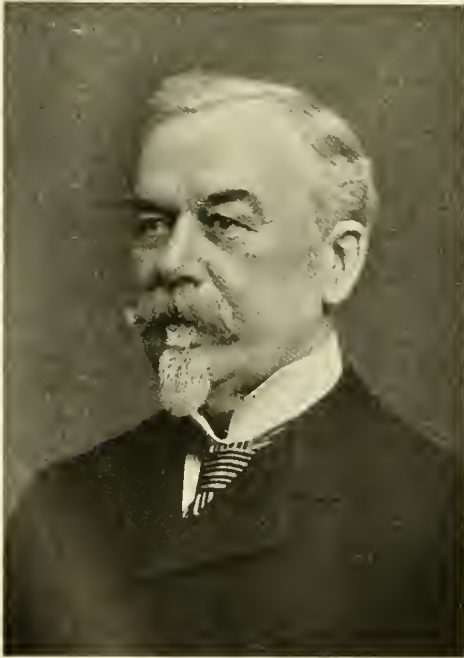


From photograph owned by E. E. Blackman, vice president Quivera Historical Society.

QUIVERA MONUMENT
Near Junction City, Kansas

of 1540 to the summer of 1542, and the multiplicity of its coöperating branch explorations, it equaled, if it did not exceed, any land expedition that has been undertaken in modern times." Another writer observes that "a bare subsistence and threatened starvation were the only rewards in store for the volunteers upon this most famous of all the Spanish explorations, excepting those of Cortez. They discovered a land rich in mineral resources, but others were to reap the benefits of the wealth of the mountain. They discovered a

land rich in material for the archæologist, but nothing to satisfy their thirst for glory or wealth." But this erudite author, like his Spaniards, has missed the main point. For they discovered the future granary of the world; and the fact they were oblivious or disdainful of their main discovery, pointed the moral of future Spanish history. The Spaniards took nothing and they gave little—two friars left as missionaries at Cibola who soon wore the crown of martyrdom.



JACOB V. BROWER
Archæologist and explorer—rediscoverer of
Quivera and Harahey

To Spain, from the first, nothing in her new-world conquests was gold that did not glitter; and for this she disdained to dig—it was easier and more chivalrous to rob. She of course made pretense of having substituted for this mere material good, the priceless but easy gift, religion. A shrewder if not a juster race came after who were able to discern the true and inexhaustible body of gold hidden in the dull-hued soil; and they tilled and patiently waited nature's reward. And lo, to them is the kingdom. And Spain has her due reward. Driven from all her vast outlying domains by the relentless force of the modern industrial spirit,

which she could neither assimilate nor entertain, into a little corner of Europe, there she lies, oblivious to progress, surviving chiefly as an echo, and consequential merely as a reminiscence of the dead past.

Expedition of the Mallet Brothers. The earliest authenticated exploration by white men on Nebraska soil was that of two brothers, Pierre and Paul Mallet, and six other Frenchmen in June, 1739. The Mallet brothers had probably come up from New Orleans the year before, and had wintered near the mouth of the Niobrara river. An account of their journey from that neighborhood to Sante Fe forms a part of the Margry papers, which consist of reports of early French explorers of the Trans-Mississippi country to the French authorities at New Orleans and which have been printed by Margry in Paris.

Lewis and Clark Expedition. In 1804, following the purchase of Louisiana, the Lewis-Clark expedition was sent out by President Jefferson for the purpose of gaining knowledge of the new and almost unknown territory.

Following is a description of the company and outfit taken from the journal of Lewis and Clark:

The party consisted of nine young men from Kentucky, fourteen soldiers of the United States army, who volunteered their services, two French watermen, an interpreter and hunter, and a black servant belonging to Capt. Clark—all of these, except the last, were enlisted to serve as privates during the expedition, and three sergeants appointed from amongst them by the captains. In addition to these were engaged a corporal and six soldiers, and nine watermen to accompany the expedition as far as the Mandan nation, in order to assist in carrying the stores, or repelling an attack, which was most to be apprehended between Wood River and that tribe. The necessary stores were subdivided into seven bales and one box, containing a small portion of each article in case of accident. They consisted of a great variety of clothing, working utensils, locks, flints, powder, ball, and articles of the greatest use. To these were added fourteen bales and one box of Indian presents, distributed in the same manner, and composed of richly laced coats and other articles of dress, medals, flags, knives, and tomahawks for the chiefs—ornaments of different kinds, partic-

ularly beads, looking glasses, handkerchiefs, paints, and generally such articles as were deemed best calculated for the taste of the Indians.

The party was to embark on board of three boats; the first was a keel boat fifty-five feet long, drawing three feet of water, one large square sail and twenty-two oars, a deck of ten feet in the bow and stern formed a fore-castle and cabin, while the middle was covered by lockers, which might be raised so as to form a breast work in case of attack. This was accompanied by two perioques or open boats, one of six and the other of seven oars. Two horses were at the same time to be led along the banks of the river for the purpose of bringing home game, or hunting in case of scarcity. . . . All

where it first touched the present state at the southeast corner to the point at the northeast corner, where the Missouri river reaches its borders, the distance is 277 miles as the bird flies. According to the government survey, the distance between these two points is 441 miles, following the meanderings of the river. The Lewis-Clark expedition recorded 556 miles of river front for the state in 1804. On the 8th of September the explorers left the present limits of Nebraska and continued their voyage up the Missouri, then crossed the dividing mountain chains, and launched their boats on the swift Columbia, following it to its mouth.



Wm. Clark



Meriwether Lewis

the preparations being completed, we left our encampment on Monday, May 14, 1804. This spot is at the mouth of Wood river, a small stream which empties itself into the Mississippi, opposite to the entrance to the Missouri.

The expedition, following up the Missouri river, came in sight of the present Nebraska on the afternoon of July 11, 1804. It camped on the Missouri side, immediately opposite the mouth of the Big Nemaha, and the next day some members of the company explored the lower valley of that river.

This expedition is of particular importance as it gives the first historical glimpse of the eastern border of Nebraska. From the point

Two years later they returned over the same route and gave a graphic description of the vast country they had traversed.

The explorers first camped on Nebraska soil July 15th, near the mouth of the Little Nemaha. The camp of July 18th was not far from the present site of Nebraska City. According to Floyd's journal, the camp of July 20th was on the Nebraska side, and under a high bluff, three miles north of Weeping Water creek. On the 21st of July the party passed the mouth of the Platte river and encamped on the Nebraska side (probably not far from the southeast corner of section 31, township 13, range 14 E). They passed on up the river for a dis-

tance of ten miles the next morning and then camped on the eastern shore. Here they remained for five days. They explored the country in all directions and sent for the surrounding Indians to meet them in a council at a point farther up the river. While they were here dispatches and maps were prepared to be sent to the president. July 27th they swam their horses to the Nebraska side and continued the journey northward.

The camp of July 30th was at Council Bluff, This is the most important camp-ground of the Lewis-Clark expedition within the state. Subsequently (1819) it became the site of the first military post established in Nebraska. There is no doubt that the recommendation of this site by the captains, Lewis and Clark, determined the location of what was afterward known as Camp Missouri, Fort Atkinson, and finally Fort Calhoun. The importance of this camp warrants a quotation from that part of the journal describing Council Bluff:

. . . The land here consists of a plain, above the high water level, the soil of which is fertile, and covered with a grass from five to eight feet high, interspersed with copses of large plums and a currant like those of the United States. . . Back of this plain is a woody ridge, about seventy feet above it, at the end of which we formed our camp. This ridge separates the lower from a higher prairie, of a good quality, with grass, of ten or twelve inches in height and extending back about a mile to another elevation of eighty or ninety feet, beyond which is one continued plain. Near our camp we enjoy from the bluffs a most beautiful view of the river, and the adjoining country. At a distance varying from four to ten miles, and of a height between seventy and three hundred feet, two parallel ranges of high land afford a passage to the Missouri which enriches the low grounds between them. In its winding course, it nourishes the willow islands, the scattered cottonwood, elm, sycamore, lynn and ash, and the groves are interspersed with hickory, walnut, coffeenut and oak. The meridian altitude of this day (July 31) made the latitude of our camp $41^{\circ} 18' 1.4''$. . . We waited with much anxiety the return of our messenger to the Ottoes. . . Our apprehensions were at length relieved by the arrival of a party of about fourteen Ottoe and Missouri Indians, who came at sunset, on the 2nd of August, ac-

companied by a Frenchman who resided among them and interpreted for us. Captain Lewis and Clark went out to meet them, and told them that we would hold a council in the morning. . . [Here follows an account of the council in detail.] The incidents just related, induced us to give this place the name of the Council-bluff; the situation of it is exceedingly favorable for a fort and trading factory.

There were fourteen Indians present at this council, six of whom were chiefs. They were all Otoes and Missouris who formed one tribal organization at a later date, and presumably at that time.

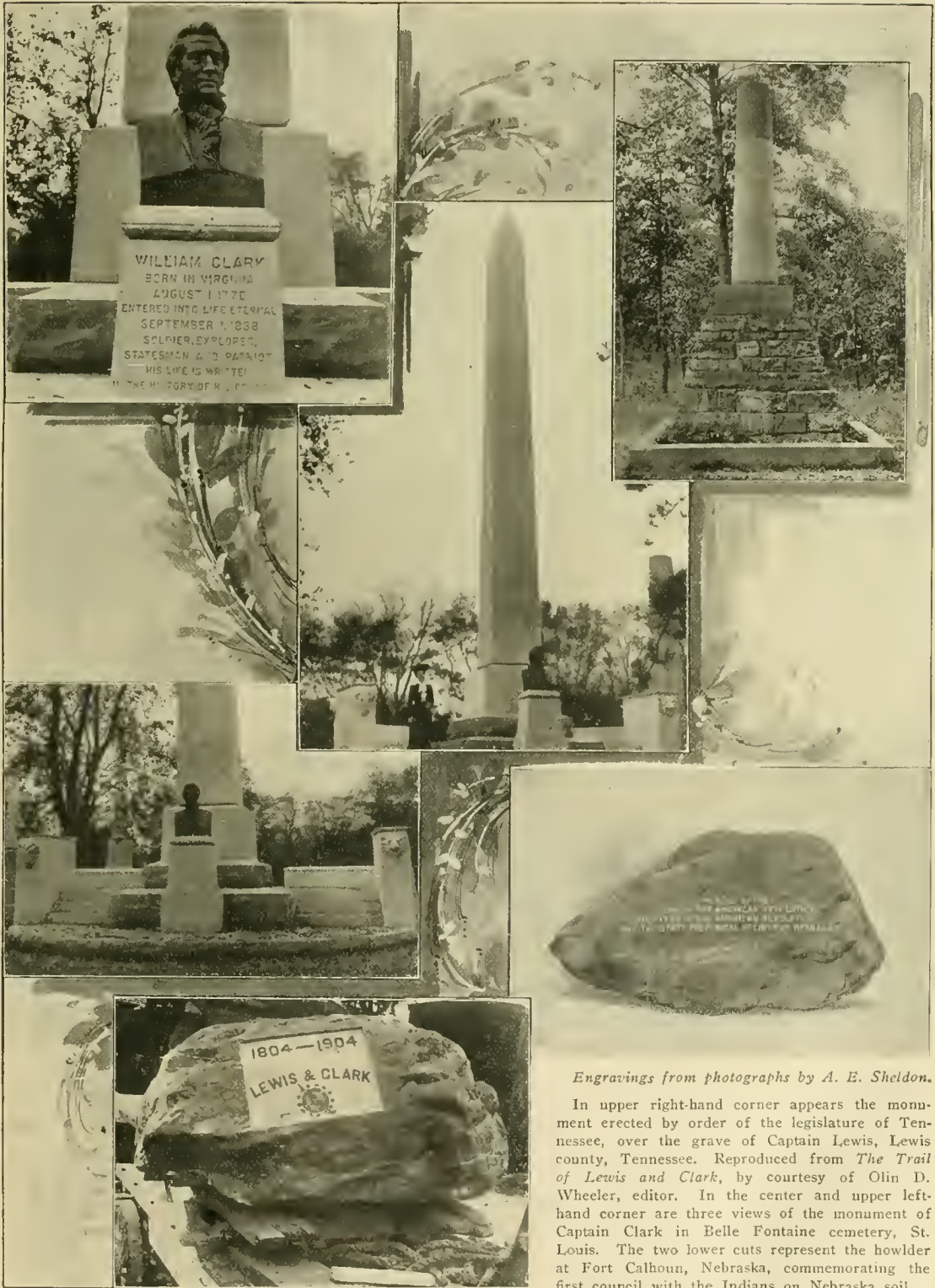
After concluding the council they moved up the river five miles and encamped August 3d. On the 4th of August they continued the voyage and came to "a trading house on the south, (Nebraska side) where one of our party passed two years trading with the Mahas." This too brief paragraph is important in disclosing that there were white traders in Nebraska prior to 1804. The camp of August 4th was also on Nebraska soil, but the exact point is not determined.

The next sojourn in Nebraska was on the 11th of August, when they paused to examine "Blackbird's grave." The description given is worthy of repetition here:

. . . We halted on the south side, for the purpose of examining a spot where one of the great chiefs of the Mahas, named Blackbird, who died about four years ago of the small-pox, was buried. A hill of yellow soft sandstone rises from the river in bluffs of various heights till it ends in a knoll about three hundred feet above the water; on the top of this a mound of twelve feet diameter at the base, and six feet high, is raised over the body of the deceased king; a pole of about eight feet high is fixed in the center; on which we placed a white flag, bordered with red, blue and white.

August 13th they reached a spot on the Nebraska side where "a Mr. Mackay" had a trading house in 1795 and 1796 which he called Fort Charles. This same day men were sent out to the old Maha village

with a flag and a present, in order to induce them to come and hold a council with us. They returned at twelve o'clock next day, August 14. After crossing a prairie covered with high grass, they reached the Maha



Engravings from photographs by A. E. Sheldon.

In upper right-hand corner appears the monument erected by order of the legislature of Tennessee, over the grave of Captain Lewis, Lewis county, Tennessee. Reproduced from *The Trail of Lewis and Clark*, by courtesy of Olin D. Wheeler, editor. In the center and upper left-hand corner are three views of the monument of Captain Clark in Belle Fontaine cemetery, St. Louis. The two lower cuts represent the howlder at Fort Calhoun, Nebraska, commemorating the first council with the Indians on Nebraska soil.

LEWIS AND CLARK MONUMENTS

creek, along which they proceeded to its three forks, which join near the village; they crossed the north branch and went along the south; the walk was very fatiguing, as they were forced to break their way through grass, sunflowers, and thistles, all above ten feet high, and interspersed with wild pea. Five miles from our camp they reached the position of the ancient Maha village; it had once consisted of three hundred cabins, but was burnt about four years ago, soon after the small-pox had destroyed four hundred men, and a proportion of women and children. On a hill in the rear of the village, are the graves of the nation; to the south of which runs the fork of the Maha creek; this they crossed where it was about ten yards wide, and followed its course to the Missouri, passing along a ridge of hill for one and a half miles, and a long pond between that and the Missouri; they then recrossed the Maha creek, and arrived at the camp, having seen no tracks of Indians or any sign of recent cultivation.

Probably the first large Nebraska "fish story" originated on August 16th, when a seine was improvised with which over four hundred fish were taken from the Omaha creek. August 13th they made a camp near the old Omaha village and remained until August 20th. At this point another council was held with the Otoes and Missouris, who were then at war with the Omahas and very much afraid of a war with the Pawnees. After concluding this council they continued their journey, and the next day (August 20th) Sergeant Floyd died and was buried on the Iowa side near the Floyd river.

On August 21st the camp was made on the Nebraska side; also on the 23d. On the 24th of August they came to the Nebraska volcano, a bluff of blue clay where they say the soil was so warm they could not keep their hands in it. These volcanic phenomena were probably due to the action of water, at times of inundation, on iron pyrite, setting free sulphuric acid, which in turn attacked limestone, producing heat and steam. Similar phenomena have been observed in the same locality in very recent years. This night camp was made in Nebraska, and mosquitoes were numerous. On August 25th camp was made very near the Cedar-Dixon county line. August 28th a camp

was made in Nebraska, a little way below where Yankton now stands. The Yankton-Sioux had been called here for a council, and on August 31st the council was concluded. While the expedition was in camp here a number of Sioux chiefs arranged to accompany Mr. Durion to Washington.

On the 1st of September they again set sail; on the 2d they stopped to examine an ancient fortification which must have been on section 3, 10, or 11, in the bend of the river and quite near the bank. September 3d they camped again on Nebraska soil, and the next day they reached a point just north of the Niobrara river. September 7th the last camp in Nebraska was pitched six miles south of the north line.

On the return trip down the Missouri river, the expedition reached the northeastern corner of the present Nebraska on Sunday, August 31, 1806, and left the southeast corner on the 11th of September, having made the uneventful journey in twelve days. The up-stream passage of this part of the route had required fifty-seven days.

Pike's Explorations. On the 15th of July, 1806, Lieutenant Zebulon M. Pike's party, consisting of two lieutenants, one surgeon, one sergeant, two corporals, sixteen privates, and an interpreter, sailed from Belle Fontaine, four miles above the mouth of the Missouri river, on the famous expedition which resulted in the discovery of Pike's Peak. The object of this expedition, which was sent out by General James Wilkinson, then commander-in-chief of the army of the United States, and also governor of the territory of Louisiana, was ostensibly, and in fact partially, to establish friendly relations with the Indians of the interior, but it is supposed also to gain information about the Spaniards, who, since our acquisition of Louisiana, out of which they felt they had been cheated by Napoleon, had been in a menacing attitude towards the Americans.

The route of Pike's expedition was up the Missouri river to the mouth of the Osage river, then up this stream to the Osage villages at a point near its source. Here the party abandoned their bateau and took a northwesterly course across the country, reaching the



From photographs copyrighted by P. C. Waltermire, Sioux City.

FLOYD MONUMENT NEAR SIOUX CITY, IOWA, SHOWING BRONZE TABLETS ATTACHED TO THE EAST AND WEST FACES OF THE SHAFT

Sergeant Charles Floyd, the first soldier of the United States to die west of the Mississippi river, was a son of Chas. Floyd, Sr., a grandson of Wm. Floyd, and was born in Jefferson county, Kentucky, between 1780 and 1785. He was one of the "nine young men from Kentucky" who joined Lewis and Clark at Louisville in the fall of 1803, was formally enlisted April 1, 1804, and appointed one of the three sergeants of the expedition. Sergeant Floyd was taken ill August 19, 1804, died the following day, and was buried on "Floyd's Bluff," on the Iowa side of the Missouri river near the place of his death. His grave was marked by a cedar post properly inscribed. In 1857, when Floyd's grave was endangered by the river, his remains were removed 600 feet farther east. In 1895 the Floyd Memorial association was organized, and a monument erected at a cost of about \$15,000, which was dedicated May 30, 1901. The shaft occupies a commanding position, three miles southeast of Sioux City, on the top of Floyd's Bluff—the highest of the range of hills—about 600 feet from the Missouri river, and 115 feet above low-water mark. The monument is of the style of an Egyptian obelisk; the underground foundation is a monolith of concrete 22 feet square at the base, 13 feet 6 inches at the top, and 11 feet deep. This is surmounted by a base course of solid stone 2 feet high, and 10.92 feet square. The shaft is 100 feet $2\frac{1}{2}$ inches in height, 9.42 feet square at the bottom, and 6.28 feet square at the top. It is a masonry shell of Kettle river sandstone, the core of solid concrete.

Republican river at a point which has not been determined even approximately; and that interesting question is now the subject of investigation by specialists. The party camped on an eminence on the north side of the river, opposite the Pawnee village, and circumstances favor the conclusion that they were within the present bounds of Nebraska, notwithstanding that in 1901, a monument to mark the northern limit of Pike's route, was erected within the Kansas line about four miles south of Hardy, Nebraska. Pike's visit to the Republican Pawnees had been preceded a short time before by the expedition of the Spanish Lieutenant Maygares, who had traveled from Santa Fe with about six hundred soldiers and over two thousand horses and mules; but Pike says that about two hundred and forty men and the horses that were unfit for service were left at the crossing of the Arkansas river. The beaten down grass plainly disclosed to Pike their line of march in the Pawnee neighborhood. This Spanish expedition had been sent to intercept Pike and also to establish friendly relations with the Indians, and the American party found a Spanish flag flying over the council lodge of the Pawnees. These incidents, together with the fact that Pike was detained in New Mexico, virtually a prisoner, illustrates the indefiniteness of the boundary of the Louisiana Purchase at the time and the insolence of Spain, not yet conscious of her decaying condition, toward the young republic. The contrast between Pike's little party and the considerable Spanish army which had just passed, inspired insolent behavior on the part of the Pawnees, which led the intrepid American explorer to give vent to his feelings in his journal: "All the evil I wished the Pawnees was that I might be the instrument in the hands of our government to open their eyes and ears, and with a strong hand convince them of our power." It would no doubt have given the indomitable but persecuted Pike much satisfaction to know that within a very few years the insolent Spaniard, then invading American territory, would be pushed off the continent finally by American aggression. Pike himself was killed in battle in our war of 1812, but his services had been

recognized and rewarded by promotion in 1795.

Explorations of Crooks and McLellan. In 1807 Ramsey Crooks and Robert McLellan, two of the most famous and intrepid explorers of the Northwest, formed a partnership, and in the fall of the year started up the Missouri river with an expedition comprising eighty men fitted out on shares by Sylvester and Auguste Chouteau. On the return of Lewis and Clark in 1806, they brought with them to St. Louis, Shahaka, the chief of the Mandans, on the way to Washington for consultation with President Jefferson and under promise of safe escort back to his home. The next summer Ensign Nathaniel Pryor, who had been a sergeant in the Lewis and Clark party, undertook to escort the chief up the river. The command consisted of fourteen soldiers in all, but it was united with a party of thirty-two men led by Pierre Chouteau. When they attempted to pass the lower Arikara village, the Indians attacked them and drove them back, and on their return they met Crooks and McLellan, who then turned back and established a camp probably near Bellevue, where they remained until the spring of 1810. Lisa had safely passed the Arikaras before these parties arrived, and, whether true or not, the charge that he inspired the Arikara attack is a concession to his ability and influence as well as an illustration of his reputation for intrigue.

Astorian Expedition. Commerce led to the first exploration and civilized occupation in the Northwest, including Nebraska. The French had led in exploration and fur trade until the British wrested Canada from them in 1762, and Frenchmen continued to carry on active commercial traffic in this region, with St. Louis, then a French town, as their principal base. But about the beginning of the nineteenth century there was a state of actual hostility between English and American traders. The discovery of the mouth of the Columbia river in 1792 by Captain Gray of the American trading ship *Columbia*, was an important factor in the long dispute over the Oregon boundary. In 1810, John Jacob Astor, of New York, organized the Pacific Fur Compa-

ny, a partnership including himself, Alexander McKay, Duncan McDougal, Donald McKenzie, David Stuart, Robert Stuart, and Wilson Price Hunt, for the purpose of colonization and trade at the mouth of the Columbia river. Astor was encouraged in his enterprise by the federal government. The partners named, with the exception of Hunt, sailed in the ship *Tonquin* in September, 1810, and founded Astoria at the mouth of the Columbia river in the spring of the following year. In October of 1810 Mr. Hunt started up the Missouri river with a party in three boats to reach Astoria by the overland route. The expedition came to the mouth of the Nodaway river in November, and went into winter quarters, though Hunt returned to St. Louis, where he spent the winter. He reached the winter camp again on the 17th of the following April, and a few days later the party set sail. It consisted of about sixty men, five of them partners in the enterprise, and they embarked in four boats. On the 28th of April they breakfasted on an island at the mouth of the Platte river, and they halted for two days on the bank of the Missouri, a little above the mouth of Papillion creek, and therefore on or near the site of Bellevue. In Irving's account of this journey no mention is made of any settlement at this point; but he set the example of writing enthusiastically of the beauty of the landscape, which has been assiduously practiced by travelers and settlers ever since. On the 10th of May the party arrived at the Omaha Indian village, situated, by their measurement, about two hundred and thirty miles above their Bellevue encampment. On the 12th of June they arrived at the village of the Arikara Indians, about ten miles above the mouth of the Grand river, now in northern South Dakota. From this point they proceeded by land to the Columbia river, which they reached some distance below the junction of the Lewis and Clark river. They followed down the Columbia in canoes, and reached Astoria on the 15th of February.

Lisa, who represented the Missouri Fur Company, jealously watched the operations of the new Pacific Fur Company, and his suc-

cessful attempt to overtake Hunt resulted in a famous keel boat race. Lisa explains that this desperate exertion was caused by a desire to pass through the dangerous Sioux country in Hunt's company for greater safety; but it seems likely that his primary object was to prevent Hunt from establishing advantageous trade relations with any of the Indians on the upper river. Lisa traveled with great rapidity, at an average rate of eighteen miles a day, and overtook Hunt's party.

There were twenty-six men on Lisa's boat and it was armed with a swivel mounted at the bow. Twenty men were at the oars.



PIERRE CHOUTEAU, JR.

A master mind in the early fur trade

Brackenridge, who, according to Irving, was "a young, enterprising man, tempted by motives of curiosity to accompany Mr. Lisa," gives an account of the starting of the party:

We sat off from the village of St. Charles on Tuesday, the 28th of April, 1811. Our barge was the best that ever ascended this river, and manned with stout oarsmen. Mr. Lisa, who had been a sea captain, took much pains in rigging his boat with a good mast and main top sail, these being great helps in the navigation of this river. . . . We are in all twenty-five men, and completely pre-

pared for defense. There is besides, a swivel on the bow of the boat, which in case of attack would make a formidable appearance; we have also two brass blunderbusses. . . . These precautions are absolutely necessary from the hostility of the Sioux bands. . . . It is exceedingly difficult to make a start on these voyages, from the reluctance of the men to terminate the frolic with their friends which usually precedes their departure. . . . The river Platte is regarded by the navigators of the Missouri as a point of as much importance as the equinoctial line amongst mariners. All those who had not passed it before were required to be shaved unless they would compromise the matter by a treat.

On the 28th of June, 1812, Robert Stuart started from Astoria with five of Hunt's original party on a return overland trip. At Fort Henry on the north fork of Snake river, now in southeastern Idaho, he was joined by four of the five men who had been detached by Hunt on the 10th of the previous October. After a journey of terrible hardships they established winter quarters on the North Platte river not far east of the place where it issues from the mountains. At the end of six weeks they were driven out by the Indians and proceeded three hundred and thirty miles down the Platte; and then, despairing of being able to pass safely over the desert plain covered with deep snow, which confronted them, they went back over seventy-seven miles of their course until they found a suitable winter camp in what is now Scotts Bluff county, where they went into winter quarters on the 30th of December, 1812. On the 8th of March they tried to navigate the stream in canoes, but found it impracticable, and proceeded on foot to a point about forty-five miles from the mouth of the Platte, where they embarked, April 16th, in a large canoe made for their purpose by the Indians.

The Yellowstone Expedition. Such importance in Nebraska annals as may be attributed to what is known as Long's expedition in 1819 is due to the fact that it was the occasion of the passage of the first steamboat up the Missouri river, and the establishment of the first military post within the limits of the territory. This post, at first called Camp Mis-

souri, was developed into a fort of the regular quadrangular form and named Fort Atkinson after its founder, General Atkinson, the commander of the Yellowstone expedition. It was occupied until 1827 in the main by the Sixth regiment of infantry, and was abandoned, June 27, 1827, when Fort Leavenworth was established and to which the furnishings of Fort Atkinson were transferred. A reason assigned for the abandonment of Fort Atkinson, namely, that the site was unhealthy, does not seem plausible. A better, and probably the real reason is that, owing to the insignificance or failure of the up-river fur trading enterprise, this fort was nowhere and protected nothing, while the new site chosen by Colonel Leavenworth was virtually at the beginning of the Sante Fe and Oregon trails, where traffic was of considerable and growing importance.

The failure of Astor's attempt to effect stable American lodgment on the Columbia, and of the Missouri Fur Company and other private enterprises to overcome or successfully compete with British influence and trade aggression in this new northwest, stimulated the federal government to send out what was intended to be a formidable military and scientific expedition for the purpose of establishing a strong post at the mouth of the Yellowstone river, to ascertain the natural features and resources of the country, and, if practicable, the important line between the United States and the British possessions. There were dreams, if not practical intentions, of establishing a trade with the Orient by way of the Columbia river, across the mountains to the Missouri, and down that stream to the Mississippi, but which were to be realized through the steam railroad across Nebraska instead of the steamboat up the Missouri.

Five steamboats were provided for the transportation of the military arm of the expedition, comprising about a thousand men under the command of Colonel Henry Atkinson. Mismanagement and miscalculation chiefly distinguished this pretentious enterprise from first to last. The waste of time and money — except as the latter provided a substantial lining

for the pocket of the contractor — in attempting to navigate the Missouri with vessels not specially adapted to its very peculiar demands, the lack of proper provisions for the troops at their winter quarters at Council Bluffs, resulting in appalling sickness and death, the entire abandonment of the original and important design of the enterprise — to obtain a sure footing or control in the upper Missouri — and the failure of Major Long to reach the Red river at all seem to justify the criticism which the expedition has received. Two of the five boats were not able to enter the Missouri at all; and “the Jefferson gave out and abandoned the trip thirty miles below Franklin. The Expedition and the Johnson wintered at Cow Island, a little above the mouth of the Kansas, and returned to St. Louis in the following spring.”⁹ The troops did not reach Council Bluff, where they established Camp Missouri, till the 26th of September, 1819. Their condition in the spring, March 8th, is shown in the journal of Long’s expedition:

Camp Missouri has been sickly, from the commencement of the winter; but its situation is at this time truly deplorable. More than three hundred are, or have been sick, and nearly one hundred have died. This fatality is occasioned by the scurvy (scorbutus). Individuals who are seized rarely recover, as they can not be furnished with the proper aliments; they have no vegetables, fresh meat, nor anti-scorbutics, so that the patients grow daily worse, and entering the hospital is considered by them a certain passport to the grave.¹⁰

The scientific and exploring division of the party, under Major Long, left St. Louis on the 9th of June, 1819, on the steamboat *Western Engineer*, which is said to have been the first stern-wheel steamboat ever built. This vessel appears to have been well adapted to its purpose and, proceeding by easy stages, reached the mouth of the Platte river on the 15th of September, Fort Lisa on the 17th, and on the 19th anchored at the winter camp, half a mile above Fort Lisa and five miles below Council Bluff, and which they called *Engineer Cantonment*. According to one writer, the vessels which attempted to transfer Atkinson’s sol-

diers in the early winter of 1818 were the first steamboats to enter the Missouri river; but the statement that two of them went as far as Cow Island, above the mouth of the Kansas, is contrary to an account of the arrival of the *Independence* at Franklin, contained in the *Franklin Intelligencer* of May 28, 1819:

With no ordinary sensation of pride and pleasure we announce the arrival this morning of the elegant steamboat, *Independence*, Capt. Nelson, in seven sailing days (but thirteen from the time of her departure) from St. Louis with passengers and a cargo of flour, whiskey,



BENJAMIN LOUIS EULALIA BONNEVILLE

iron castings, etc., being the first steamboat that ever attempted ascending the Missouri. The grand desideratum, the important fact is now acknowledged that steamboats can successfully navigate the Missouri.

Major Long started to Washington after a sojourn of two weeks at *Engineer Cantonment* and returned in the spring by land from St. Louis. On account of mismanagement of the expedition and the scandals arising from it the necessary appropriations were stopped and Major Long was authorized to lead an exploring party “to the source of the river Platte and thence by way of the Arkansas and Red rivers to the Mississippi.” The party consisted of S. H. Long, major United States topographical engineers, six regular soldiers, and eleven oth-

⁹ *History of American Fur Trade*, vol. ii, p. 569.

¹⁰ *Long’s First Expedition*, vol. i, p. 195.

er men, most of them such specialists as were needed in a scientific exploration. They started from Engineer Cantonment on the 6th of June, following the Pawnee path southwesterly to the Platte valley, then, proceeding along the north side of the river, crossed the forks a short distance above their junction, and followed the south bank of the South Platte. By the end of June they came in sight of the mountains and discovered the great peak which they named after Major Long.

In May, 1832, Captain Nathaniel J. Wyeth, with a party of eighteen, intent on Astor's original plan of establishing trade on the Columbia river, passed through Nebraska on the Oregon trail. He traveled in company with William L. Sublette's expedition to the mountains. On his return by way of the Missouri river he passed Council Bluff on the 21st of September, 1833. In 1834, Wyeth, with a party of seventy men, traveled over the same route again — from Independence to the Columbia.

Captain Bonneville was a diligent wanderer rather than an explorer, and he owes his fame largely to the fact that the fascinating Irving was his historian. He took a party of about one hundred men over the Oregon trail in the spring of 1832, and traveled over the whole northwest mountain region, including the Columbia river country, until the spring of 1835. In the year last named Colonel Henry Dodge, who afterwards became the first governor of Wisconsin, and after whom Nebraska's brilliant son, Henry Dodge Estabrook, was named, led an expedition from Fort Leavenworth up the Platte and along its south fork to the mountains, thence south to the Sante Fe trail, returning by that route.

Frémont's Expedition. The federal government had indirectly encouraged the expeditions set on foot by Astor and others and had directly sent the Long expedition, but the most important explorations of the Northwest, under the auspices of the government, were those of Frémont. The first party passed through Nebraska by the Oregon trail in the summer of 1842. This expedition, composed of twenty-seven men, mostly Creole Canadian frontiersmen, included the famous Kit Carson as its

guide and a son of Thomas H. Benton, a boy of twelve years, whose sister Lieutenant Frémont, the leader of the expedition, had recently married. This expedition started from Cyprian Chouteau's trading post on the Missouri river, a little over twelve miles above the mouth of the Kansas, on the 10th of June, 1842. Frémont's orders were, "to explore and report upon the country between the frontiers of Missouri and the south pass in the Rocky mountains and on the line of the Kansas and Great Platte rivers." This was accomplished by the middle of August, and the party returned by the same route, reaching the junction of the north and south forks on the 12th of September. Here Frémont also was tempted to undertake the navigation of the river. His own account of the remainder of the journey through Nebraska is a pertinent and interesting story:

At this place I had determined to make another attempt to descend the Platte by water, and accordingly spent two days in the construction of a hull boat. Men were sent out on the evening of our arrival, the necessary number of bulls killed, and their skins brought to camp. Four of the best of them were strongly sewed together with buffalo sinew, and stretched over a basket frame of willow. The seams were then covered with ashes and tallow and the boat left exposed to the sun the greater part of one day, which was sufficient to dry and contract the skin and make the whole work solid and strong. It had a rounded bow, was eight feet long and five broad, and drew with four men about four inches of water. On the morning of the 15th we embarked in our hide boat, Mr. Preuss and myself with two men. We dragged her over the sands for three or four miles, and then left her on the bar, and abandoned entirely all further attempts to navigate this river. The names given by the Indians are always remarkably appropriate; and certainly none was ever more so than that which they had given to this stream — "the Nebraska, or Shallow River." Walking steadily the remainder of the day, a little before dark we overtook our people at their evening camp, about twenty-one miles below the junction. The next morning we crossed the Platte, and continued our way down the river bottom on the left bank, where we found an excellent plainly beaten road.

On the 18th we reached Grand Island, which

is fifty-two miles long, with an average breadth of one mile and three quarters. It has on it some small eminences and is sufficiently elevated to be secure from the annual floods of the river. As has already been remarked, it is well timbered, with an excellent soil, and recommends itself to notice as the best point for a military position on the Lower Platte.

On the 22nd we arrived at the village of the Grand Pawnees, on the right bank of the river, about thirty miles above the mouth of the Loup fork. They were gathering in their corn, and we obtained from them a very welcome supply of vegetables.

The morning of the 24th we reached the Loup fork of the Platte. At the place where we forded it, this stream was four hundred and thirty yards broad, with a swift current of clear water; in this respect differing from the Platte, which has a muddy yellow color, derived from the limestone and marl formation of which we have previously spoken. The ford was difficult, as the water was so deep that it came into the body of the carts, and we reached the opposite bank after repeated attempts, ascending and descending the bed of the river in order to avail ourselves of the bars. We camped on the left bank of the fork, in the point of land at its junction with the Platte. During the two days that we remained here for astronomical observations, the bad weather permitted us to obtain but one good observation for the latitude—a meridian altitude of the sun, which gave for the latitude of the mouth of the Loup fork $41^{\circ} 22' 11''$.

Five or six days previously, I had sent forward C. Lambert, with two men, to Bellevue, with directions to ask from Mr. P. Sarpy, the gentleman in charge of the American Company's establishment at that place, the aid of his carpenters in constructing a boat, in which I proposed to descend the Missouri. On the afternoon of the 27th we met one of the men who had been dispatched by Mr. Sarpy with a welcome supply of provisions and a very kind note which gave the very gratifying intelligence that our boat was in rapid progress. On the evening of the 30th we encamped in an almost impenetrable undergrowth on the left bank of the Platte, in the point of land at its confluence with the Missouri—three hundred and fifty miles, according to our reckoning, from the junction of the forks, and five hundred and twenty miles from Fort Laramie.

From the junction we had found the bed of the Platte occupied with numerous islands,

many of them very large, and well timbered; possessing, as well as the bottom lands of the river, a very excellent soil. With the exception of some scattered groves on the banks, the bottoms are generally without timber. A portion of these consist of low grounds, covered with a profusion of fine grasses, and are probably inundated in the spring; the remaining part is high river prairie, entirely beyond the influence of the floods. The breadth of the river is usually three quarters of a mile, except where it is enlarged by islands. That portion of its course which is occupied by Grand Island has an average breadth from shore to shore of two and a half miles. The breadth



JOHN C. FRÉMONT

of the valley, with the various accidents of ground—springs, timber, and whatever I have thought interesting to travelers and settlers—you will find indicated on the larger map which accompanies this report.

October 1.—I arose this morning long before daylight, and heard with a feeling of pleasure the tinkling of cow bells at the settlements on the opposite side of the Missouri. Early in the day we reached Mr. Sarpy's residence, and in the security and comfort of his hospitable mansion felt the pleasure of again being within the pale of civilization. We

found our boat on the stocks; a few days sufficed to complete her; and in the afternoon of the 4th we embarked on the Missouri. All our equipage — horses, carts, and the *materiel* of the camp — had been sold at public auction at Bellevue. The strength of my party enabled me to man the boat with ten oars, relieved every hour; and we descended rapidly.

On his second expedition the following year, Frémont passed up the Kansas river to the mouth of the Republican. He then proceeded



Manuel de Lisa

northwestwardly, leaving the Republican valley on his right or to the north. Soon after crossing and naming the Prairie Dog river he again entered the Republican valley. He crossed the present Nebraska line not far from the western boundary of Hitchcock county, and, crossing Dundy county diagonally to the northwest, entered the valley of the South Platte, which he followed to the mountains. Frémont complains on this trip of the difficulty of traveling on account of heavy rains, which

is another indication of the fallacy of the popular notion that rainfall has increased in this portion of the plains since its occupation and cultivation by white men.

John C. Frémont. John C. Frémont was born January 21, 1813, in Savannah, Georgia, and died July 13, 1890. He was the son of a French immigrant who married into one of the most prominent families of Virginia. John C. Frémont distinguished himself as statesman, soldier, and explorer. After completing his work in Charleston College, he taught mathematics for a time, and later became a civil engineer. He married the daughter of Colonel Thomas H. Benton. Frémont gained the recognition of the United States government, which supported his ambitions in explorations extending across the continent to the Pacific coast. As a recognition of his services he was rewarded with a brevet captaincy. In California, he protected the settlers from the Mexicans, and in 1846 was appointed governor of California. He received the commission of lieutenant-colonel. Frémont organized an expedition to find a southern route to California and, while the attempt was somewhat disastrous, he succeeded in reaching California by that route in 1849. He was elected United States senator from that state and took his seat when the state was admitted in 1850. His term expired in 1851, and the following year was spent in Europe. In 1856 he was the republican nominee for president of the United States, but was defeated by James Buchanan, the democratic nominee. Frémont was appointed major-general in the Federal army, and later was made commander of the mountain district of Virginia and Kentucky. He resigned when Major-General Pope was assigned to the command of the Army of Virginia. The failure of his project to build the El Paso and Pacific railroad reduced him to poverty. He was appointed governor of Arizona territory and served four years.

Manuel de Lisa. It is probable that there was a trading post called Fort Charles, about six miles below Omadi, kept by one McKay as early as 1795. In 1802, Cruzatte's post,

also a trading establishment, was situated two miles above old Council Bluff. In 1807, Crooks and McLellan established a post not far above the mouth of the Papillion; but they abandoned it in 1810 when they formed the Pacific Fur Company. This was probably the first settlement on the site, or in the immediate neighborhood, of Bellevue. The tradition that Manuel Lisa made a settlement at Bellevue in 1805 is probably groundless. He established his post, known as Fort Lisa, at a point between five and six miles below the original Council Bluff — where Lewis and Clark had a council with the Missouri and Otoe Indians, August 3, 1804, and now the site of the town of Fort Calhoun — as early as 1812. Manuel Lisa was doubtless the most remarkable man among the early explorers and traders of the Missouri river. "In boldness of enterprise, persistency of purpose and in restless energy, he was a fair representative of the Spaniard of the days of Cortez. He was a man of great ability, a masterly judge of men, thoroughly experienced in the Indian trade and native customs, intensely active in his work, yet withal a perfect enigma of character which his contemporaries were never able to solve."¹¹ He was selected to command in the field, nearly every expedition sent out by the St. Louis companies of which he was a member. Lisa was born of Spanish parents, in Cuba, in 1772. The return of Lewis and Clark excited his ambition to establish trade on the upper Missouri, and in 1807 he led an expedition as far as the Bighorn where he established a post called Fort Lisa. The Missouri Fur Company of St. Louis, in which he was a partner, was organized in 1808-1809. In the spring of 1809 he went up to the Bighorn post with a party of one hundred and fifty men, but returned to St. Louis for the winter. Every year, from 1807 to 1819, inclusive, possibly with one exception, he made the upper Missouri trip — twice to the Bighorn, a distance of two thousand miles, several times to Fort Mandan, fifteen hundred miles, the rest of the journeys being to Fort Lisa at Council Bluff, six hundred and seventy miles. After

the establishment of this post he spent most, probably all of the winters there, returning to St. Louis in the spring each year. His last sojourn in his Nebraska home was in 1819, and this time his wife, whom he had recently married in St. Louis, was with him. He had kept at least one woman of the Omahas as wife or mistress, and there is a tragic story of his final separation from her before his last trip back to St. Louis, and of her giving up their two children to him because she thought it would be best for them. As is often the case



MARY MANUEL LISA
First white woman to live in Nebraska

with original and adventurous spirits, in a commercial sense Lisa sowed that others might reap, and he died at St. Louis, in August, 1820, leaving little of the material gain for which he had striven with wonderful energy and at such great risks. While McKay and Cruzatte, and perhaps others of the white race may have had lodgment in Nebraska before Lisa, yet it seems fair to call him the first real white settler. Thomas Biddle, the journalist of the Yellowstone expedition, in a report to Atkinson, commandant at Camp Missouri, dated October 29, 1819, says that Lisa's party went

¹¹ Chittenden, *History of American Fur Trade*, p. 113.

to the mouth of the Bighorn in 1809 and that they wintered there that year, and on the waters of the Columbia in 1810-1811; but Lisa, himself, returned to St. Louis in the fall of 1809. By Biddle's showing the Missouri river fur trade was on the whole unprofitable, and the various companies or partnerships were short-lived, and according to his statement, the Missouri Fur Company expired in 1814 or 1815; by other accounts it dissolved between 1828-1830, Joshua Pilcher remaining its president after Lisa's death. Biddle tells us also



Engraving from a photograph owned by John O. Goss, Bellevue, Nebraska.

LOGAN FONTENELLE (SHON-GA-SKA)
Elected principal chief of the Omahas,
September, 1853

that after the dissolution of the Missouri company, Lisa, Pilcher, and others bought a new company for \$10,000, and they added goods to the amount of \$7,000. As Lisa died in 1820, he could not have joined Pilcher in his last enterprise after the expiration of the Missouri company, if it had lived until 1828 or 1830. The confusion must be accounted for by the fact that another company of the same name was organized after the dissolution of the first, and it is to that doubtless that some writ-

ers refer. Long notes that Major Pilcher and Lucien Fontenelle were in the employ of the Missouri Fur Company at the beginning of the year 1820. Not long after Lisa's death, the company, now in charge of Pilcher, moved its post from Fort Lisa down to the site of Bellevue. Chittenden states that Lucien Fontenelle and Andrew Drips bought the post soon after this time and retained it many years, though in another place this author says that they built a post at Bellevue. It is probable that this Fontenelle was connected with one of the numerous French royal families, and it is stated that he committed suicide at Fort Laramie; but reliable local accounts say that he left his mountain trading post in 1839 and came to Bellevue where he lived with his family until he died, from intemperate habits, in 1840. He married a woman of the Omaha tribe and they had five children.

Logan Fontenelle. Logan Fontenelle became a chief of the Omahas and a man of much note among the Indians and the earliest white settlers. Henry Fontenelle, a brother of this Omaha chief, has given the following account of his death:

In June, 1855, Logan went with the tribe as usual on their summer buffalo hunt, and as usual their enemies, the Sioux, laid in wait for the Omahas in vicinities of large herds of buffalo. The first surround they made on the buffalo the Sioux made a descent upon them in overwhelming numbers and turned the chase into battle. Four Omahas were killed and several wounded. In every attempt at getting buffalo the Sioux charged upon them. The Omahas concluded it was useless to try to get any buffalo, and retreated toward home. They traveled three days, and, thinking they were out of danger, Logan, one morning, in company with Louis Saunsoci and another Indian, started on ahead of the moving village and were about three miles away when they espied a herd of elk in the distance. Logan proposed chase, they started, that was the last seen of him alive. The same moment the village was surrounded by the Sioux. About ten o'clock in the morning a battle ensued and lasted until three o'clock, when they found out Logan was killed. His body was found and brought into Bellevue and buried by the side of his father. He had the advantage of a limited education and saw the advantage of

it. He made it a study to promote the welfare of his people and to bring them out of their wretchedness, poverty and ignorance. His first step to that end was to organize a parole of picked men and punish all that came home intoxicated with bad whiskey. His effort to stop whiskey drinking was successful. It was his intention as soon as the Omahas were settled in their new home to ask the government to establish ample schools among them, to educate the children of the tribe by force if they would not send the children by reasonable persuasion. His calculations for the benefit of the tribe were many, but, like many other human calculations, his life suddenly ended in the prime, and just as he was ready to benefit his people and sacrifice a life's labor for helpless humanity. After Logan was killed the Omahas went back to Bellevue instead of coming back to the reservation whence they started, and wintered along the Missouri river between Calhoun and the reservation, some of them at Bellevue. In the spring of 1856 they again went back to their reservation, where they have been since.

Between the years 1822 and 1826, J. P. Cabanné established a post for the American Fur Company at a point nine or ten miles above the later site of the Union Pacific bridge at Omaha. It is probable that Joshua Pilcher succeeded Cabanné in the management of the post in 1833, and between that year and 1840 it was moved down to Bellevue and placed under the management of Peter A. Sarpy. Pilcher succeeded General Clark, of the Lewis and Clark expedition, as superintendent of Indian affairs at St. Louis in 1838. The Rev. Samuel Allis, a missionary to the Pawnee Indians and who was frequently at Bellevue as early as 1834 and thereafter, states that in the year named, his party camped at the fur company's fort and that Major Pilcher was in charge of the post; also that soon after Peter A. Sarpy came into that part of the country he was clerk for Cabanné. Chittenden says that "Fontenelle and Drips apparently bought Pilcher's post and established it in their own name which it retained for many years." Thus both the Missouri Fur Company's post and the American Fur Company's post appear to have been transferred to Bellevue, the one from Fort Lisa and the other from Cabanné's. The Rev. Moses Merrill, a Baptist mis-

sionary to the Otoe Indians, who came to Bellevue on his mission in the fall of 1833, speaks in his diary of visiting Cabanné's post as late as April 1, 1839, so that it could not have been removed to Bellevue before that time; and Mr. Merrill, whose diary comes down to August 18, 1839, makes no mention of the removal. In this diary Mr. Merrill frequently speaks of riding from Bellevue to "the trading post," eighteen miles, which was in charge of Major Pilcher, and evidently the old Cabanné post. On the 7th of March, 1834, Merrill makes the following entry in his diary: "Sublette and Campbell have established a trading post here in opposition to the American Company." On the 10th of May, 1834, he records that he set out from the trading post eighteen miles above Bellevue, which must have been Cabanné's, to the Otoe village which he says was twenty-five miles distant. After Mr. Merrill had established himself at the Otoe mission house on the south side of the Platte, he records, May 30, 1836, that he rode to Cabanné's post, thirty miles. Mr. Merrill repeatedly states that he and the women who assisted him in his mission work, went backwards and forwards daily between the mission house and the Otoe village, so that they could have been only a short distance apart. The permanent Otoe villages were on the west side of the Platte river forty miles from its mouth, not far from the present village of Yutan. The Merrill mission establishment was about eight miles above the mouth of the Platte where a chimney still marks its site. Merrill's diary tells us in a vague way that the Otoe villages were moved down the Platte from the site in question during the summer of 1835. Merrill gives the distance from the trading post to the villages and to the mission as the same, showing that they were very near together; and his diary gives other ample evidence of that fact. Allis says that Merrill's establishment was on the Platte, six miles from Bellevue.

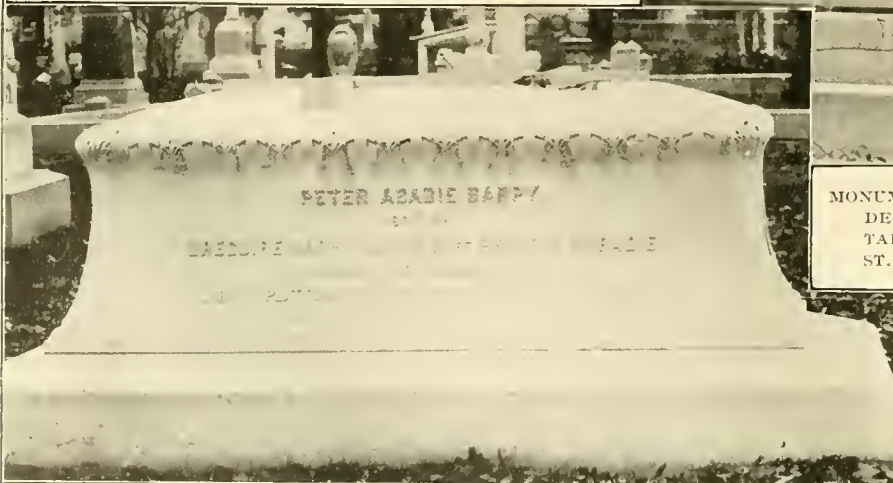
In a paper by the Rev. S. P. Merrill, the missionary's son, the following statement is made: "A few miles from Bellevue, just below Boyer's creek, was the trading post of Cabanné. This post was sold about this time to a fur



MONUMENT OF JOHN B. SARPY, CALVARY CEMETERY,
ST. LOUIS



MONUMENT OF MANUEL
DE LISA, BELLEFONTAINE CEMETERY,
ST. LOUIS



MONUMENT OF
PETER A. SARPY,
CALVARY CEMETERY,
ST. LOUIS

Photographs by
A. E. Sheldon

company, and in 1834 was occupied by Major Pilcher." This agrees with another statement that Pilcher succeeded Cabanné as manager of the post in 1833. Mr. Merrill states that at Bellevue was a government agency for the Otoes, Pawnees, Omahas, and Missouris. "Bellevue," he says, "was at first a trading post of the Missouri Fur Company. They had sold out to Fontenelle, and he had disposed of a part of his holdings to the government. Here Major John Dougherty was government agent and Major Beauchamp was assistant. There were here now but few men. During the summer before, the cholera had carried off seven out of ten in twenty-four hours. On the bank of the river were the poorer huts, while higher up were the agency buildings. A quarter of a mile below were the buildings of Fontenelle. Mr. Merrill says that under Major Dougherty were "his brother, Hannibal, assistant, a teacher, an assistant teacher, two blacksmiths to care for the farming tools, and one or two farmers to teach the Indians how to make their crops." The missionary, the Rev. Moses Merrill, unfortunately for the cause of accurate history, was an almost morbid religious devotee, and his diary is so largely given up to recording his devotions and varying religious moods as to leave too little room for intelligible historical data.

Peter A. Sarpy. P. A. Sarpy, born 1804, was a son of Gregoire Berald and Pelagie (Labadie) Sarpy. His father is said to have been the first man to attempt the navigation of the Missouri river in a keel boat. But little is known of his early life except that he was of French extraction and was educated in St. Louis where his relatives, the Chouteaus and others, occupied high social position. His elder brother, John B. Sarpy, was an important factor in the fur trade and the general commercial life of St. Louis. He was born in that city January 12, 1798, and was first employed as a clerk for Berthold and Chouteau, with whom he was associated in business for the balance of his life. His first wife was the eldest daughter of John P. Cabanné. About 1823 Peter A. Sarpy came to Nebraska as a clerk for the American Fur Company under

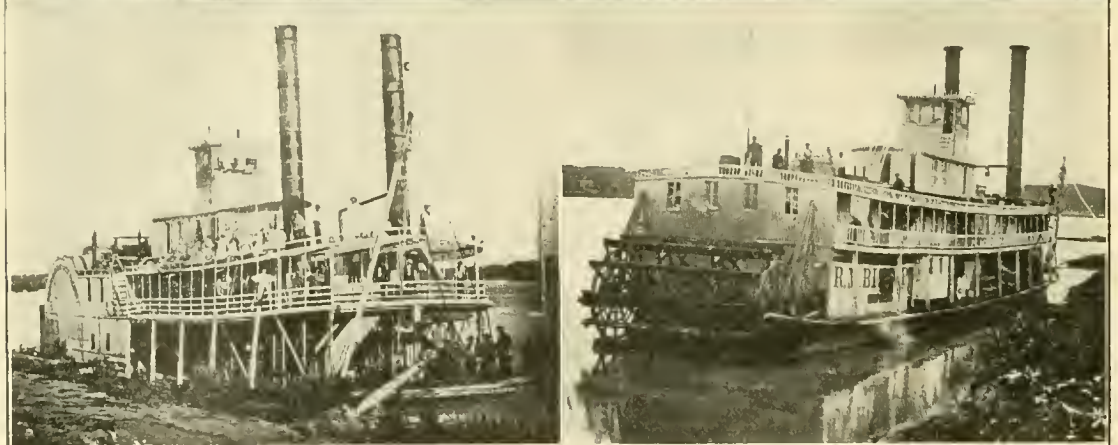
John P. Cabanné, and in 1824 succeeded him as manager of the post at Bellevue. Shortly after, he established a post on the Iowa side of the Missouri river which he called Traders Point; this was used for the accommodation of the whites, while Bellevue catered chiefly to the Indian trade. On account of the encroachments of the river, Traders Point was abandoned in 1853 and a new location established at St. Mary, four miles down the river. In 1853 Colonel Sarpy established flat-boat ferries across the Elkhorn river near where Elkhorn



From an old daguerreotype taken in 1855 at Council Bluffs, Iowa, and given to the Nebraska State Historical Society by J. Sterling Morton.

PETER A. SARPY

City was afterwards located, and on the Loup Fork near the present site of Columbus. He was a man of peculiar temperament, kind at heart, but in the pursuit of his business enterprises he spared no one. He was small and wiry in build, possessing great physical endurance. He loved the freedom of the West and was intimately associated with the Indians, being honored with the title of "white chief" by the Omahas. He married, according to Indian custom, Ni-co-mi, a woman of the Iowas, to whom he was greatly attached, and whom he as greatly feared. Ni-co-mi had been the wife of Dr. John Gale, who had deserted her and their child. In 1854 Mr. Sarpy was a member



EARLY MISSOURI RIVER STEAMBOATS

The lower view represents a steamboat wreck on the Missouri river, copied from *Early Steamboat Navigation on the Missouri River*, Chittenden. The others are from photographs owned by the Nebraska State Historical Society.

of the Old Town company which laid out the town of Bellevue, and in company with Stephen Decatur and others laid out the town of Decatur, where he had maintained a trading post. In 1862, he moved to Plattsmouth, where he died January 4, 1865. Sarpy county was named in his honor. The St. Louis relatives of Colonel Sarpy deny that he left any considerable estate. He provided, however, for the payment of an annuity of \$200 to Nicomi, his Indian wife, which amount was paid regularly until her death.

EARLY TRADERS. A number of the hardy traders of the early days in the Plains country deserve special attention and, briefly sketched, their lives throw a ray of light into those early days and present an understanding of the loneliness of the lives they led, as nothing else can.

Manuel de Lisa. Manuel de Lisa, Spanish fur trader of Nebraska, was born in Cuba, September 8, 1772. He came to this country about the time the Spanish took possession of Louisiana. His father was in the service of the Spanish government during most of his life time. Manuel de Lisa went to St. Louis about the year 1790, when he became interested in the fur business. In 1800, he secured from the Spanish government the exclusive right to trade with the Osage Indians. In 1807, he came up the Missouri river and established a post and began the fur trade at the mouth of the Bighorn and also at Fort Lisa, near the present site of Fort Calhoun. He returned to St. Louis and organized the St. Louis Fur Company. Lisa was made subagent for all of the Indian tribes along the Missouri north of Kansas. He was beyond question the most active and successful man who ever entered the Indian country in the early days, and rendered great service to the government. He was a prominent citizen of St. Louis and was one of the incorporators of the Bank of St. Louis in 1813.

Manuel Lisa was married twice among his own people, and also had a wife from the Omaha tribe. It is said this marriage was for the purpose of ingratiating himself into the Indian

favor and to hold a commercial advantage over his rivals in the fur trade.

Two children were born of this union and were recognized in his will as his "natural children." Lisa provided for the education of these children before his death. Little is known of his first wife who favored him with three children. The second wife of his own people was Mary Hampstead Keeny, of St. Louis, whom he married August 5, 1818. Mrs. Lisa spent the winter of 1819-1820 with her husband at his post in Nebraska and was probably the first white woman to ascend the Missouri river.

Major Joshua Pilcher. Major Joshua Pilcher, pioneer Indian trader, was born in Virginia, March 15, 1790. He entered business pursuits in St. Louis in 1812, and in 1820 entered the fur trade as a member of the reorganized Missouri Fur Company, of which he became president in 1821, upon the death of Manuel Lisa. He remained at the head of this company until its dissolution about 1830. For a time he transferred his services to the American Fur Company and had charge of their post at Council Bluff. In 1838, he was appointed by President Van Buren as superintendent of Indian affairs at St. Louis, which was made vacant by the death of General William Clark, the associate of Meriwether Lewis. As did a large number of these early pioneers, he married an Indian woman. He is represented as a man of great ability, of strict integrity, and high standing in business and social circles.

Lucien Fontenelle. Lucien François Fontenelle, pioneer Indian fur trader, was a direct descendant of a powerful family of the French nobility. Lucien was born near New Orleans about 1800. He entered the employ of the American Fur Company at St. Louis in 1816 and made his headquarters at Fort Laramie. He later entered business for himself and for a time was associated with Andrew Drips. He established a storehouse at Bellevue where he made his home. He was intimately associated with the Omaha Indians and married a woman of the tribe. It is said the marriage

was performed by Father De Smet, an influential Catholic missionary.

Fontenelle had five children: Logan, Henry, Albert, Tecumseh, and Susan. He gave all of his children a good education and they were baptised in the Catholic faith. In 1838, he abandoned his mountain home and lived with his family in Bellevue. He died in 1840 and was buried at Bellevue. His distinguished son, Logan, was later buried by his side.

Andrew Drips. Andrew Drips, fur trader, was born in 1789 in Westmoreland county, Pennsylvania. But little is known of his early history. Like his contemporaries, he went to St. Louis which at the time was attracting attention. In 1820 he became a member of the reorganized Missouri Fur Company and accompanied many expeditions in its interest, gaining a reputation as mountaineer. In 1842, he was appointed Indian agent by President Tyler for the Indians of the upper Missouri tribes. After four years in this service he entered the employ of the American Fur Company and for some years lived in the vicinity of Bellevue. For a time he was associated with Lucien Fontenelle and Joshua Pilcher. In early life he married an Indian woman of the Otoe tribe. Major Drips died in 1880 at Kansas City.

John Pierre Cabanné. John Pierre Cabanné, Indian trader, and prominent citizen of St. Louis, was born about 1773. The first brick residence of St. Louis was built by Mr. Cabanné and was known as the Cabanné mansion, on the King's Highway, near the present site of Forest Park. He was engaged in mercantile business in that city for many years. He was one of the commissioners for the bank of Missouri in 1816. A year or two earlier he became identified with the American Fur Company. After 1820 he devoted his attention almost exclusively to the fur trade and made many trips up the Missouri river in its interest. Between 1822 and 1826, he established a post known as Cabanné's Post, about ten miles above the present site of Omaha. He was in charge of this post until 1833. Major

Pilcher succeeded him in charge of the post which was afterward removed to Bellevue. Mr. Cabanné died in St. Louis in 1841.

Moses Merrill. Moses Merrill, pioneer Indian missionary, was born in Sedgwick county, Maine, in 1803. His father was a soldier in the Revolutionary war and afterward became a minister of the Baptist faith. Moses was given the best education common in his day and for a time taught school in his native state. After being licensed to preach, he offered his services as a missionary to the Indians, but the New York Baptist convention to which the offer was made, did not accept it. For a time he lived in Michigan where he engaged in teaching and in the study of theology. Mr. Merrill married Eliza Wilcox in 1830, and in 1832 was appointed missionary to Sault Ste. Marie. The following spring they were transferred to Missouri, and later went to Bellevue where a mission school was at once opened. Mr. Merrill and his wife labored faithfully among the Indians, teaching and preaching until his life was laid down in 1840.

AUTHENTIC EXPLORATIONS. The most important of the early explorations was that of Lewis and Clark. Their expedition had official significance and gave definite information concerning a vast region and lent an impetus towards its further exploration. This event marks the beginning of definite history of the territory from which was to be carved a number of populous and prosperous states.

William Clark. William Clark was born August 1, 1770, in Kentucky, not far from his later associate, Meriwether Lewis. At fourteen years of age he removed with his parents to Louisville where, amidst the most humble surroundings, he grew up. He chose a military career and was appointed ensign in the regular army at the age of eighteen; two years later he was made captain of militia. In 1791 he was commissioned lieutenant of infantry, and later served as adjutant and quartermaster. In 1796 he resigned from the army on account of ill health and returned to his farm in Kentucky.

In 1807 Lieutenant Clark was commissioned by President Jefferson as brigadier-general

and Indian agent of Louisiana territory. In this office he became widely known and greatly trusted by both whites and Indians. In 1812 the name of the territory was changed to Missouri, and in 1813 General Clark was appointed by President Madison as governor of the territory, which embraced all of the present state of Nebraska. He was reappointed by Madison in 1816 and 1817, and by Monroe in 1820. He held the office continuously until Missouri was admitted as a state into the Union. In 1822, President Monroe named him as superintendent of Indian affairs, which position he held until his death in St. Louis in 1838.

Meriwether Lewis. Meriwether Lewis was born in 1774 near Charlottesville, Virginia. He came of an illustrious family which

had achieved military distinction during the Revolutionary war. His early life was spent on a farm, but at the age of twenty he answered the call of George Washington for volunteers to put down the "whisky rebellion." He later entered the regular service as a lieutenant; still later he was appointed to a captaincy, and finally became paymaster of his regiment. He had served for two years as private secretary to President Jefferson before his appointment to command the expedition through which he became famous. At his suggestion, the president appointed Lieutenant Clark as his associate in the command of the exploring party. In 1807, Captain Lewis was appointed governor of Louisiana with headquarters at St. Louis. He held this office until his death by suicide in 1809.

CHAPTER III

EARLY TRAVEL AND TRANSPORTATION — THE OVERLAND STAGE — THE PONY EXPRESS — RIVER NAVIGATION — FIRST RAILROAD AND TELEGRAPH

TRAVEL and transportation, whose impetus is the desire for the exchange of ideas, personal impressions, and material goods, have always been the prime factors of civilization; and where travel and trade have been freest, civilization has reached its highest plane. There is as yet but scant knowledge of Indian or prehistoric routes of travel in Nebraska, and the subject is in the main a future field for students. One class of investigators insist that, on their longer journeys, Indians traveled by a sort of instinct and irregularity, and not by fixed or definite routes. Mr. Edward A. Killian in a discussion of the subject¹ quotes T. S. Huffaker, of Council Grove, Kansas, "who came to the frontier in 1846, as a missionary and teacher," as follows:

When I first came among the Indians, now more than half a century ago, there were at that time no well-defined trails between the locations of the different tribes, but between the several bands of the same tribe, there were plain, beaten trails. Each band had a village of its own, and they continually visited each other. The different tribes would change their location perpetually, and never remain in one location long enough to mark any well-defined trails, in going from tribe to tribe.

Mr. Killian argues that the conclusions to be drawn from the above statements are:

That there were no permanent trails over the Plains in prehistoric times, as shown by the facts and conditions set forth herein, and there is neither evidence nor tradition for such an assumption. There probably were prehistoric routes, sometimes several miles in width, but no trails, roads or paths as understood by the use of these words at the present day. In a

timbered or mountainous country, the case was different, and prehistoric trails existed.

In a discussion of this subject in the same journal² Mr. A. T. Richardson quotes General G. M. Dodge, who became very familiar with the Plains country during the construction of the Union Pacific railroad:

All over our continent there were permanent Indian trails; especially was this the case west of the Missouri river. There were regular trails from village to village, to well-known crossings of streams, up the valleys of great streams, over the lowest and most practicable divides, passing through the country where water could be obtained, and in the mountains the Indian trails were always well-defined through all the practicable passes. I traveled a great deal with the Indians myself at one time, and when they started for any given point they always took a well-established trail, unless they divided off for hunting, fishing, or something of that kind; and in my own reconnaissances in the West, and in my engineering parties, when we found Indian trails that led in the right direction for our surveys, we always followed them up and examined them, and always found that they took us to the best fords of streams, to the most practical crossings of divides, to the lowest passes in the mountains; and they were of great benefit to us, especially where we had no maps of the country, because we could lay them down and work from them as well-defined features of the country.

Mr. Richardson also quotes the observation of Parkman, the historian, Rufus Sage, and John C. Frémont as to the existence of distinct Pawnee trails on the Nebraska plains. The notations of the first surveyors of Nebraska show fragmentary Indian trails and roads of pioneer white men, because some of them marked their routes with regularity, while others did not. It will require the labo-

¹ The *Conservative*, August 8, 1901, J. Sterling Morton, editor.

² September 5, 1901.

rious work of special students to trace these Indian routes of travel, which undoubtedly existed well-defined and of various lengths, from the local trails radiating from the more or less permanent villages to those of an extent of several hundred miles, such as the well-known Pawnee routes from the habitat of that tribe along and north of the Platte valley to the hunting grounds of the Republican river country and even to the rivers farther south. When Major Long arrived at the Pawnee villages on the Loup river, he noted that the trail on which he had traveled from the Missouri had the appearance of being more frequented as he approached the Pawnee towns, and here, instead of a single pathway, it consisted of more than twenty parallel paths, of similar size and appearance.³ Again he observes that the path leading to the Pawnee villages runs in a direction a little south of west from the cantonment (Long's winter quarters), and leads across a tract of high and barren prairie for the first ten miles. At this distance it crosses the Papillion, or Butterfly creek.⁴

Charles Augustus Murray, in his account of his residence with the Pawnee Indians in 1835, describes the Indian mode of travel in masses:

They move in three parallel bodies; the left wing consisting of part of the Grand Pawnees and the Tapages; the center of the remaining Grand Pawnees; and the right, of the Republicans. . . . All these bodies move in "Indian file," though of course, in the mingled mass of men, women, children, and pack-horses, it is not very regularly observed; nevertheless, on arriving at the halting-place, the party to which I belonged invariably camped at the eastern extremity of the village, the great chief in the center and the Republicans (Tapages) on the western side; and this arrangement was so well kept that after I had been a few days with them I could generally find our lodge in a new encampment with very little trouble, although the village consisted of about 600 of them, all nearly similar in appearance.⁵

Murray recounts a remarkable feat of traveling by an individual Indian. His party

started from Fort Leavenworth to the Pawnee villages with a party of Pawnees who had gone on ahead:

A runner had been sent forward to request the chiefs to make a short halt in order to give our party time to come up. This Indian had walked at the head of the party as guide during the whole day's journey, which occupied nearly 24 hours. When we halted, Sani-tsa-rish went up to him and spoke a few words, upon which, without rest or food, he tightened the belt around his middle and set off at a run, which he must have maintained upwards of 20 miles. He had to traverse the same ground coming back, and thus he must have gone over 100 miles of ground without food or rest in 24 hours. . . . We found the Indian regulations for traveling very fatiguing, namely, starting at four A. M., with nothing to eat, and traveling till one, when we halted for breakfast and dinner at one time . . . and on the 20th (July, 1835) we traveled from half past three in the morning till half past eight in the evening. . . . A war party leaves only the trail of the horses, or, of course, if it be a foot party, the still lighter tracks of their own feet; but when they are on their summer hunt or migrating from one region to another, they take their squaws and children with them, and this trail can always be distinguished from the former by two parallel tracks about three and a half feet apart not unlike those of a light pair of wheels; these are made by the points of the long curved poles on which their lodges are stretched, the thickest or butt ends of which are fastened to each side of the pack-saddle, while the points trail behind the horse; in crossing rough or boggy places this is often found the most inconvenient part of an Indian camp equipage.⁶

Mr. Murray makes an interesting observation as to the quantity of game on the prairies of northeastern Kansas over which he was traveling:

No game had been seen or killed (since starting from Fort Leavenworth), and every hour's experience tended to convince me of the exaggerated statements with which many western travelers have misled the civilized world in regard to the game of these prairies. I had now been traveling five days through them, and with the exception of a few grouse and the fawn I shot, had not seen anything eatable, either bird or quadruped.

The Santa Fe Trail. Whether or not the famous Santa Fe trail was established or used

³ *Long's First Expedition*, vol. i, p. 435.

⁴ *Ibid.*, p. 427.

⁵ *Travels in North America*, vol. i, pp. 282-283.

⁶ *Ibid.*, pp. 273-274; vol. ii, p. 32.

by Indians in the general sense indicated by the name, before it was surveyed under authority of the federal government, not long after 1820, is a mooted question. The first wagon train over this trail started from Westport, Missouri, its initial point, in 1828. This road was established for communication between the Missouri river and the settlements of New Mexico.

The Oregon Trail. The Oregon trail was the most notable route of its kind in the country. It may be called fairly a social institution, for like other social institutions it was not made but grew, and its growth was simply the result of human movement along the lines of least resistance. By 1843, it had become a well-defined route for trade and other traffic between a great base, St. Louis, and a great objective point, the mouth of the Columbia river. The general line of this trail had been used by the Indians, though in a piecemeal fashion, from time immemorial. It was left to true emigrants and travelers, the whites, to develop it into a continuous route. While St. Louis was the real southern terminus of the route, the overland trail began at Franklin, Missouri, two hundred and five miles above the mouth of the Missouri river. In the course of ten years Independence, situated near the mouth of the Kansas, had superseded Franklin as the initial point of the land route, and in a few years the river had carried away the Independence landing, so that Westport, now within the boundary of Kansas City, became the starting point. It is true that the first traffic by way of Franklin and Independence which began about 1820, was with Santa Fé, and it is not possible to say when travel over the eastern end of the Oregon trail began. In July, 1819, Long's party noted that Franklin, "at present increasing more rapidly than any other town on the Missouri, had been commenced but two years and a half before the time of our journey." This indicates a considerable trade with Santa Fé and Missouri posts, and also its recent growth. Long's journalist uttered a prophecy as to the fate of Franklin which was to be verified in a very realistic manner, for the town was swept away

not many years after. The chronicler said: "The bed of the river near the shore has been heretofore obstructed by sandbars which prevented large boats from approaching the town; whether this evil will increase or diminish it is not possible to determine, such is the want of stability in everything belonging to the channel of the Missouri. It is even doubtful whether the site of Franklin will not at some future day be occupied by the river which at this time seems to be encroaching on its banks."

Hunt's Astorian expedition (1811), as we have seen, did not follow the eastern line of the trail, but ascended the Missouri river to the Arikara villages. But it did follow the trail from the junction of Port Neuf river with the Snake. There appears to be no authentic account of the passage of this route by white men before Hunt, and to his party belongs the credit of having discovered and established it. Certain writers incline to belittle Hunt's ability and achievement, but he should have the credit of reaching the Columbia from the point where he struck the Wind River or Bighorn mountains, near the present Jackson's Hole, by original investigation and experimental exploration of a very difficult character. There was absolutely no pathway to the Columbia river, and the Indians at the head-waters of the Snake river were ignorant of any way to reach it. On their return Stuart and Crooks followed the general course of the Oregon trail to Grand Island, Nebraska, with the exception of a detour in southeastern Idaho. Bonneville certainly, and Wyeth probably, passed over the cut-off from Independence to Grand island in 1832, and, as far as is known, Bonneville's was the first wagon train over this end of the trail. These appear to be the first authenticated journeys by the cut-off. A fairly accurate itinerary of the trail has been made from notes of Frémont and other travelers as follows: From Independence for the distance of 41 miles it is identical with the Santa Fé trail; to the Kansas river, 81 miles; to the Big Blue river, 174 miles; to the Little Blue, 242 miles; head of the Little Blue, 296 miles; Platte river, 316 miles; lower ford of South Platte river, 433 miles; upper ford of

South Platte, 493 miles; Chimney Rock, 571 miles; Scotts Bluff, 616 miles. Adding the distance from the northwest boundary of Nebraska to Fort Vancouver, the terminus, yields a total of 2,020 miles. The trail crossed the present Nebraska line at or very near the point of the intersection of the 97th meridian and about four miles west of the southeast corner of Jefferson county. It left the Little Blue at a bend beyond this point, but reached it again just beyond Hebron. It left the stream finally at a point near Leroy, and reached the Platte river about twenty miles below the western or upper end of Grand island. Proceeding along the south bank of the Platte, it crossed the south fork about sixty miles from the junction, and touched the north fork at Ash creek, twenty miles beyond the south fork crossing.

In 1820 Major S. H. Long crossed the Platte from the north side. There was evidently no fixed or well-known ford at that time, for this noted explorer informs us that he was led to the fording place of the north fork through animal instinct:

We had halted here, (at the confluence of the forks) and were making preparations to examine the north fork with a view of crossing it, when we saw two elk plunge into the river a little above us on the same side. Perceiving it was their design to cross the river we watched them until they arrived on the other side which they did without swimming. We accordingly chose the same place they had taken, and putting a part of our baggage in a skin canoe, waded across, leading our horses, and arrived safely on the other side.

Major Long crossed the neck between the two forks diagonally and forded the south fork at or near the place of the subsequent lower ford.⁷

Travel by emigrants across the Plains by the great trail to California and Oregon, chiefly to the latter, set in appreciably in 1844.

Francis Parkman, who left St. Louis in the spring of 1846, on a tour of curiosity and amusement to the Rocky mountains, found "the old legitimate trail of the Oregon emi-

grants" at the junction of the St. Joseph trail, and in that year both Parkman and Bryant found a heavy travel of emigrants to Oregon and California over the trail. The latter reports that his party met five men between the lower and upper ford of the Platte, going eastward, who had counted 470 west-bound emigrant wagons in coming from Fort Laramie; and they were "about equally divided between California and Oregon."⁸

Before the high tide of traffic to the California gold fields set in, in 1849, there were two principal places where the large general travel to Oregon and California crossed the Platte known as the lower ford and the upper ford. Irving, in his *Adventures of Captain Bonneville*, pays more attention to literary form than to exact narrative and statement of the facts, much to the present historian's regret. We learn from him only that Bonneville traveled two days from the junction to his crossing of the south fork, and nine miles from that crossing to the north fork. No mention is made of a lower ford, and his crossing place was probably some distance east of the later common upper ford. We are told that when he arrived at the forks, "finding it impossible from quicksands and other dangerous impediments to cross the river in this neighborhood, he kept up along the south fork for two days merely seeking a safe fording place."⁹

Frémont on his outward trip, in 1842, made this record: "I halted about forty miles from the junction. . . . Our encampment was within a few miles of the place where the road crossed to the north fork."

Joel Palmer of Indiana, who started with a party from Independence, Missouri, May 6, 1845, returning in 1846, makes the following explicit statement:

The lower crossing of the Platte river is five or six miles above the forks and where the high ground commences between the two streams. . . . There is a trail which turns over the bluff to the left; we, however, took the right and crossed the river. The south fork is at this place about one-fourth mile wide and from one to three feet deep, with a sandy bottom which made the fording so heavy that we were compelled to double teams.¹⁰

⁷ *Long's First Expedition*, vol. i, p. 463.

⁸ *What I Saw in California*, p. 94.

⁹ *Adventures of Captain Bonneville*, p. 53.

¹⁰ *Journal of Travel Over the Rocky Mountains to the Mouth of the Columbia River*, p. 22.

Nineteen miles from the forks, "the road between the two forks strikes across the ridge toward the north fork. Directly across, the distance does not exceed four miles; but the road runs obliquely and reaches the north fork nine miles from our last camp" — the place of leaving the south fork. "At Ash Hollow the trail which follows the east side of the south fork of the Platte from where we crossed it connects with this trail." Palmer's itinerary has this record: "From lower to upper crossing of south fork, forty-five miles."

Edwin Bryant, who traveled by the Oregon trail from Independence to the Pacific coast in 1846, crossed the south fork thirty-five miles west of the junction, according to his measurement, but he states that "the distance from the south to the north fork of the Platte by the emigrant trail is about twenty-two miles, without water,"¹¹ which would place the upper ford approximately where Palmer and Stansbury found it.

Howard Stansbury, a captain of United States topographical engineers, was ordered, April 11, 1849, to lead an expedition to Great Salt Lake for the purpose of surveying the lake and exploring the valley. His description and measurements of the route are made with a clearness and precision characteristic of the trained engineer. He started from Fort Leavenworth on the 31st of May. He notes that a "Boston company's train," which traveled in advance of his party, crossed the South Platte twenty miles above the forks; but he "preferred to follow still further the main road," crossing sixty-six miles above the lower ford, or seventy-two miles above the forks. He says specifically: "This is the upper ford and easily crossed in low stages of the river, width, 700 yards."¹² By his measurement it was eighteen and a half miles from the crossing to the north fork at Ash Hollow. On his return trip in October, 1850, he notes that at Ash Hollow "the road leaves for the south fork, and the ridge is crossed by several

tracks; one leads to the junction of the two forks, ours to the upper crossing of the south fork."¹³ He finds the distance the same as in the outgoing trip, so that this part of the trail seems to have been well-defined and permanent at that time.

William Kelly, an English traveler, who passed up the trail in 1849, crossed the Platte at the upper ford. He describes the route between the two forks of the river as follows:

About half way between the forks we got upon the summit of the hills that divide, where driving became rather a nerve-testing operation; the only practicable path being along a ridge with a declivity amounting to a precipice on each side, and so narrow that it did not admit of a man's walking alongside to lay hold of the leaders in case of need; but this very circumstance, I believe, contributed to our safety, as the sagacity of the mule convinced him that there was no alternative but to go on cautiously. Not a voice was heard for a couple of miles, every mind being occupied with a sensation of impending danger, for in some places the trail was so edge-like that even some of the horsemen alit, under the influence of giddiness.¹⁴

The descent into Ash Hollow was precipitous. In undertaking it all but the wheel-span of mules were taken off, the wheels were locked, and the men undertook to steady the progress of the wagon by holding it back with a rope. The rope broke, and the wagon slid or fell upon the mules, killing one and injuring the other.

Stansbury found the distance from Fort Leavenworth to the meeting of the St. Joseph and Independence road about forty-six miles. He seems to have left the Little Blue at the usual point, near the present Leroy, Adams county, where the trail cut across to Thirty-two Mile creek, seven and a half miles; thence to the Platte river, twelve miles; and to Fort Kearney, seventeen miles. He tells us that he struck the Platte in a broad valley and that, "this road has since (June 18, 1849) been abandoned for one on the left, more direct to Fort Kearney."¹⁵

Joel Palmer in his itinerary gives the following distances on the Oregon trail:

The distance from St. Joseph, Missouri, to

¹¹ *What I Saw in California*, p. 97.

¹² *Stansbury's Expedition*, p. 272.

¹³ *Ibid.*, p. 289.

¹⁴ *Across the Rocky Mountains*, p. 106.

¹⁵ *Stansbury's Expedition*, p. 272.

the Independence trail, striking it ten miles west of Blue river, is about 100 miles; from the forks of these roads to the Big Sandy, striking it near its junction with the Republican river, 42 miles; from the Big Sandy to the Republican fork of Blue river,¹⁶ 18 miles; up the Republican river, 53 miles; from the Republican to the Platte, 20 miles; up the Platte to the crossing of the south fork, 120 miles; from the lower to the upper crossing of the south fork, 45 miles.

Mr. Palmer here observes that there is a road on each side of the river and but little choice in them. From the south to the north fork at Ash Hollow, 20 miles; thence to a point opposite Solitary Tower, on Little creek, 42 miles; thence to a point opposite Chimney Rock, 16 miles; thence to a point where the road crosses the river, 15 miles; thence to Scotts Bluff, 10 miles; thence to Horse creek, 12 miles; thence to Fort Laramie, 24 miles.

Palmer followed the Little Blue, which he evidently miscalled the Republican fork of the Blue, and then went over to the Big Platte, the usual twenty miles, and thence to the crossing of the south fork, one hundred and twenty miles.

While all of these travelers followed substantially the same route through Nebraska, yet, either through their own carelessness or because the names of the streams, in the earlier part of the course especially, were not certain or fixed, they greatly confused them. The schedule distance between the Vermillion and the Big Blue was about fourteen miles, and yet Kelly traveled several days and crossed two other streams, each of which he felt certain was the important one in question, before he came to the fine river which he definitely decided was worthy of the name of Big Blue. The length of the route up the Little Blue valley in all was about seventy miles, though it left the stream where important bends or easier going required. If Bryant is accurate in his statement, he traveled twenty-seven miles from the Little Blue to the Platte river, which he reached about twelve miles below the head of Grand island.

¹⁶ The Republican river is not a fork of the Blue but of the Kansas; moreover, he mistook the Little Blue for the Republican.

Palmer, Kelly, and Stansbury reached the Platte only a few miles below the head of the island; but Captain Bonneville reached it twenty-five miles below.

The old California crossing, which was substantially identical with the "upper ford," was twenty-seven miles east of the upper California crossing at old Julesburg, opposite the mouth of Lodge Pole creek. In the year 1859, a Frenchman from St. Louis, called Beauvais, established a trading post at the old California crossing, which on that account came to be called Beauvais' ranch. There was very little travel by the upper California route until the daily mail was established in 1861, which crossed at old Julesburg. After crossing the Platte, this route followed Lodge Pole creek as far as Thirty-mile ridge which ran toward the north fork. It continued along this ridge by way of Mud Springs, reaching the North Platte near Court House Rock. The earlier and great crossing was on the main Oregon trail, and was commonly known as the Ash Hollow route. The Mormon trail, which was established by the Mormon exodus, followed the north side of the Platte all the way from Florence to the crossing beyond Fort Laramie.

At least before Fort Kearney was established, Ash Hollow was the most important and interesting point on the trail, this side of Fort Laramie, after it struck the Platte river. Owing to Irving's vagueness we can not be sure that he was describing that delectable place in recording Captain Bonneville's progress: "They reached a small but beautiful grove from which issued the confused notes of singing birds, the first they had heard since crossing the boundary of Missouri"; but circumstances almost warrant that conclusion. Palmer relates that "the road then turns down Ash Hollow to the river; a quarter of a mile from the latter is a fine spring, and around it wood and grass in abundance."

Stansbury, seeing with the scientific eye and writing with the trained hand, has left us an invaluable description of the crossing between the two forks and of Ash Hollow itself:

Today we crossed the ridge between the

North and South forks of the Platte, a distance of eighteen and a half miles. As we expected to find no water for the whole of this distance, the India-rubber bags were filled with a small supply. The road struck directly up the bluff, rising quite rapidly at first, then very gradually for twelve miles, when we reached the summit, and a most magnificent view saluted the eye. Before and below us was the North Fork of the Nebraska, winding its way through broken hills and green meadows; behind us the undulating prairie rising gently from the South Fork, over which we had just passed; on our right, the gradual convergence of the two valleys was distinctly perceptible; while immediately at our feet were the heads of Ash Creek, which fell off suddenly into deep precipitous chasms on either side, leaving only a high narrow ridge or back bone, which gradually descended, until, toward its western termination, it fell off precipitately into the bottom of the creek. Here we were obliged, from the steepness of the road, to let the wagons down by ropes, but the labor of a dozen men for a few days would make the descent easy and safe. The bottom of Ash Creek is tolerably well wooded, principally with ash and some dwarf cedars. The bed of the stream was entirely dry, but toward the mouth several springs of delightfully cold and refreshing water were found, altogether the best that has been met with since leaving the Missouri. We encamped at the mouth of the valley, here called Ash Hollow. The traces of the great tide of emigration that had preceded us were plainly visible in remains of camp-fires, in blazed trees covered with innumerable names carved and written on them; but, more than all, in the total absence of all herbage. . . . On the slope towards the South Fork the valleys are wide and long with gracefully curved lines, gentle slopes, and broad hollows. . . . Almost immediately after crossing the point of "divide," we strike upon the headwaters of Ash Creek, whence the descent is abrupt and precipitous. Immediately at your feet is the principal ravine, with sides four or five hundred feet in depth, clothed with cedar. Into this numerous other ravines run, meeting it at different angles, and so completely cutting up the earth, that scarcely a foot of level ground could be seen. The whole surface consisted of merely narrow ridges dividing the ravines from each other, and run-

ning up to so sharp a crest that it would be difficult for anything but a mountain-goat to traverse their summits with impunity. Never before had I seen the wonderful effects of the action of water on a grand scale more strikingly exemplified.¹⁷

In his return itinerary this traveler observes that, "Ash Hollow has abundance of ash and poplar wood, a small stream in the bottom"; there were "cedars in the hills for camping purposes."¹⁸

Kelly, who wrote with more literary spirit than any of the others of these travelers, was yet possessed of a degree of English surliness which, however, the charms of the Hollow overcame entirely for the nonce, and he dropped deep into poetry:

Two more moderate descents brought us into a lovely wooded dell, so watered and sheltered that vegetation of every description appeared as if stimulated by a hot house compared with that on the open prairie. The modest wild rose, forgetting its coyness in the leafy arbours, opened out its velvet bosom, adding its fragrant bouquet to that of the various scented flowers and shrubs that formed the underwood of the majestic ash-trees, which confer a name upon the spot, producing a perfectly aromatic atmosphere. Cool streams, filtered through the adjoining hills, prattled about, until they merged their murmurs in a translucent pond, reposing in the center of a verdant meadow, a perfect parterre, the bespangled carpet of which looked the congenial area for the games and gambols for the light-tripping beings of fairy-land.¹⁹

But three years before Bryant saw only these prosy commonplaces: "We descended into the valley of the North fork of the Platte, through a pass known as 'Ash Hollow.' This name is derived from a few scattering ash-trees in the dry ravine, through which we wind our way to the river bottom. There is but one steep or difficult place for wagons in the pass. I saw wild currants and gooseberries near the mouth of Ash Hollow. There is here also a spring of pure cold water." Bryant found a small log cabin, near the mouth of the Hollow, which had been erected during the last winter by some trappers on their way to the East. This cabin had been turned by the

¹⁷ *Stansbury's Expedition to the Great Salt Lake*, pp. 40-41.

¹⁸ *Ibid.*, p. 289.

¹⁹ *Across the Rocky Mountains*, p. 107.

emigrants into a sort of voluntary general post-office. Many advertisements in manuscript were posted on the walls outside. These included descriptions of lost horses, cattle, etc.; and inside, in a recess, there were a large number of letters addressed to persons in every part of the world, with requests that those who passed would convey them to the nearest post-office in the states. "The place had something of an air of a cross roads settlement, and we lingered around it some time, reading the advertisements and looking over the letters."²⁰

The reader will be inclined to credit Bryant's description with orthodoxy in the knowledge that the susceptible Englishman was also thrown into a fit of esthetic hysteria at the sight of a party of Sioux squaws whom he had seen a few days before:

The women were extremely beautiful, with finely-chiselled features, dark lustrous eyes, raven locks and pearly teeth, which they disclosed in gracious smiles that lit up their lovely faces with a most bewitching radiance. They wore no head dress; their luxuriant tresses, divided with the most scrupulous accuracy flowing in unconfined freedom over their shoulders. Their attire consisted of a tanned buckskin bodice, not over tight, . . . to which was appended a short full skirt of the same material which did not reach the knees. The legs were concealed by close leathern hose which revealed the most exquisite symmetry, embroidered on the sides with beads, meeting above the taper ankles a laced moccasin, worked up the instep in the same manner; and over all was thrown with a most graceful negligence, a blanket of snowy whiteness, so arranged as to form a hood in an instant. They also wore large ear drops and had the fingers up to the joints covered with rings. . . . There was one dear girl amongst the group that I was fairly smitten with, to whom I presented a small looking-glass, taking leave to kiss the tips of her delicate fingers as she graciously accepted it, at which she smiled, as if understanding this silent but expressive mode of admiration; and taking off a ring caught hold of my hand to put it on; an operation I playfully protracted by cramping my

fingers, that I might prolong the pleasure of contact with so charming a creature.²¹

Court House Rock. The next notable landmark on the trail was Court House Rock, which Stansbury describes as "two bald elevations — to which the voyageurs, most of whom are originally from St. Louis, had given this name, from a fancied resemblance to a well known structure in their own city." It was some distance south of the road and the river.²²

When Samuel Parker, the missionary, passed Court House Rock in 1835, traveling on the opposite, or north side of the river, it was evidently without a name that was at all familiar, for he spoke of it as "a great natural curiosity, which, for the sake of a name, I shall call the old castle." Its situation was on a plain some miles distant from any elevated land, and by his estimate covered more than an acre of ground and was more than fifty feet high. It is tolerably certain from his description that this curiosity was what Bryant, in 1846, knew and described as Court House Rock. This traveler went a distance, which he estimated at seven miles from the trail, toward the rock without reaching it, and it appeared to him to be from three hundred to five hundred feet in height and about a mile in circumference.²³

Parker describes the remarkable formations in this neighborhood in general:

We passed many uncommonly interesting bluffs composed of indurated clay; many of them very high, with perpendicular sides, and of almost every imaginable form. Some appeared like strong fortifications with high citadels, some like stately edifices with lofty towers. I had never before seen anything like them of clay formation. And what adds to their beauty is that the clay of which they are composed is nearly white. Such is the smoothness and whiteness of the perpendicular sides and offset, and such the regularity of their straight and curved lines, that one can hardly believe that they are not the work of art.²⁴

At the time of Palmer's trip in 1845, however, the rock was called Solitary Tower, and that traveler tells us that it was "a stupendous pile of sand and clay, so cemented as to resemble stone but which crumbles away at the slightest touch." According to this

²⁰ *What I Saw in California*, pp. 97-98.

²¹ *Across the Rocky Mountains*, pp. 97-98.

²² *Stansbury's Expedition*, p. 48.

²³ *What I Saw in California*, p. 100.

²⁴ *Journal of an Exploring Tour*, p. 63.

author it was situated about seven miles from the river, and was six hundred to eight hundred feet above the level of the stream. A stream of water ran along the northeast side some twenty rods from the rock.

Kelly, we may surmise, was still too much possessed with the charms of the Sioux squaws to have any eye for this inanimate object; and he dismisses the tradition that the rock was named "from its supposed resemblance to a large public building of that description," with the remark that "there was nothing about it of

and white sandstone, and may be seen at a distance upwards of 30 miles." According to this authority the total height of this formation was then one hundred and seventy-five yards.²⁶ Frémont records that, "It consists of marl and earthy limestone and the weather is rapidly diminishing its height, which is now not more than 200 feet above the river. Travelers who visited it some years since placed its height at upwards of five hundred feet."²⁷ It looked to him from a distance of about thirty miles like the long chimney of a steam



Engraving from photograph by John Wright, Staff Artist.

COURT HOUSE ROCK AND JAIL SHOWING GULLIES LEADING TO BASE

that striking character to seduce me from my path so far aside to visit it." Its location, according to this traveler, was six miles from the river.²⁵

Captain Bonneville describes the next wonder of this mountain region of Nebraska thus: "It is called the Chimney. The lower part is a conical mound, rising out of the naked plain; from the summit shoots up a shaft or column, about 120 feet in height, from which it derives its name. . . . It is a compound of indurated clay, with alternate layers of red

factory establishment or a shot tower in Baltimore.

Palmer describes it as "a sharp-pointed rock of much the same material of the solitary tower standing at the base of the bluff and four or five miles from the road." As Stansbury saw it, this Nebraska wonder "consists of a conical elevation of about 100 feet high, its sides forming an angle of about 45 degrees with the horizon; from the apex rises a nearly circular and perpendicular shaft of clay, now from thirty-five to forty feet in height."²⁸ This author here remarks that young pines were taking the place of red cedars, the latter dying off. This is in accordance with the

²⁵ *Across the Rocky Mountains*, pp. 108-109.

²⁶ *Adventures of Captain Bonneville*, p. 55.

²⁷ *First and Second Expeditions*, p. 38.

²⁸ *Stansbury's Expedition*, p. 51.



Engraving from photograph by John Wright, Staff Artist.

CHIMNEY ROCK

In November, 1904, members of the editorial staff of this History made an examination of the picturesque part of the Oregon trail in Nebraska—between Ash Hollow and Scotts Bluff—and took the photograph here reproduced. Chimney Rock, a land-mark easily seen thirty miles distant, is two and one-half miles south of Bayard. The area of its dome-like base is upwards of forty acres. Drawings by the early travelers, including Frémont, represent the Chimney as *cylindrical*. It is in fact rectangular, like the chimney of a modern house. Court House Rock—engraving on opposite page—is about five miles south of Bridgeport. Pumpkin Seed creek, a clear and rapidly flowing stream, about two yards wide, runs close to the southern and western base, which rises abruptly from the level valley, then doubles back about sixty yards, thus enclosing a section of an ellipse. The Jail, so-called from its association with the Court House, is about forty yards east of the latter, and its eastern front is a remarkably symmetrical circular tower. Labyrinthine water courses have been cut through the base of these rocks which cover upwards of eighty acres. Toward the creek they are from twenty to thirty feet in depth, and the rushing waters have smoothed their walls almost to a polish. These remarkable elevations were formed by the action of water cutting away the less durable contiguous rock. The material of which they are composed is somewhat harder, and lighter in color than the clay-banks along the Missouri river. Letters cut in them fifty years ago remain unimpaired, and it does not appear that they have been much diminished in height during that time. Buffalo grass grows up to the beginning of the steep sides.

present tendency of the pine growth to extend from that part of the state eastward, as observed by our botanists. Parker observes that, "It has been called the Chimney; but I should say it ought to be called Beacon Hill, from its resemblance to what was Beacon Hill in Boston." He found the base of the rock three miles from the river. "This Beacon Hill has a conical formed base of about half a mile in circumference, and one hundred and fifty feet in height, and above this is a perpendicular column, twelve feet square, and eighty feet in height; making the whole height about two hundred and thirty feet. We left our horses at the base, and ascended to the perpendicular. It is formed of indurated clay or marl, and in some parts is petrified. It is of a light chocolate or rufous colour, in some parts white. Near the top were some handsome stalactites, at which my assistant shot, and broke off some pieces of which I have taken a small specimen."²⁹

Kelly is a sceptic in his view of Chimney Rock also:

To my eye, there is not a single lineament in its outline to warrant the christening. The Wellington testimonial in the Phoenix Park, elevated on a Danish fort, would give a much more correct idea of its configuration, though not of its proportions. It is, I should say, 500 feet high, composed of soft red sandstone, standing out from the adjoining cliffs, not so much the result of a violent spasm of nature, as of the wearing and wasting effects of the watery storms that prevail in those forlorn regions. It appears to be fast chipping and crumbling away, and I have no doubt that, ere half a century elapses, *Troja fuit* will apply to the Chimney Rock.³⁰

Bryant places Chimney Rock three miles from the Platte river, and says that it is several hundred feet in height from base to apex and can be seen in a clear atmosphere at a distance of forty miles. "The column which represents the chimney will soon crumble away and disappear entirely. The scenery to the

right of the rock as we face it from the river is singularly picturesque and interesting. There are four high elevations of architectural configuration, one of which would represent a distant view of the ruins of the Athenian Acropolis; another, the crumbling remains of an Egyptian temple; a third, a Mexican pyramid; the fourth, the mausoleum of one of the Titans. In the background the bluffs are worn into such figures as to represent ranges of castles and palaces."³¹

Scotts Bluff. Captain Bonneville observed that Scotts Bluff was composed of indurated clay, with alternate layers of red and white sandstone, and might be seen at a distance of upwards of thirty miles; and Irving calls attention to "the high and beetling cliffs of indurated clay and sandstone bearing the semblance of towers, castles, churches, and fortified cities."

Palmer found a good spring and abundance of wood and grass at Scotts Bluff. Parker describes these bluffs as "the termination of a high range of land running from south to north. They are very near the river, high and abrupt, and what is worthy of notice, there is a pass through the range a short distance back from the river, the width of a common road with perpendicular sides two or three hundred feet high. It appears as though a part of the bluffs had been cut off, and moved a few rods to the north."³²

Kelly relates that his party cried out, "Mount Ararat; Mount Ararat, at last!" at first sight of the bluff. "As we got on the elevated ground we could see that the bluffs took a curve like the tail of a shepherd's crook; a prominent eminence forming the curl at the end. This is called Scotts Bluff, from the body of an enterprising trapper of that name being found upon it."³³

Stansbury records that "these bluffs are about five miles south of the river. The road up the bluffs steep, but on good, hard, gravelly ground. A small spring at the top of the first hill."³⁴

One Robidoux had a trading post and blacksmith's shop there; and when the smith was not inclined to work he rented the shop at seventy-five cents an hour to emigrants who

²⁹ *Journal of an Exploring Tour*, pp. 64-65.

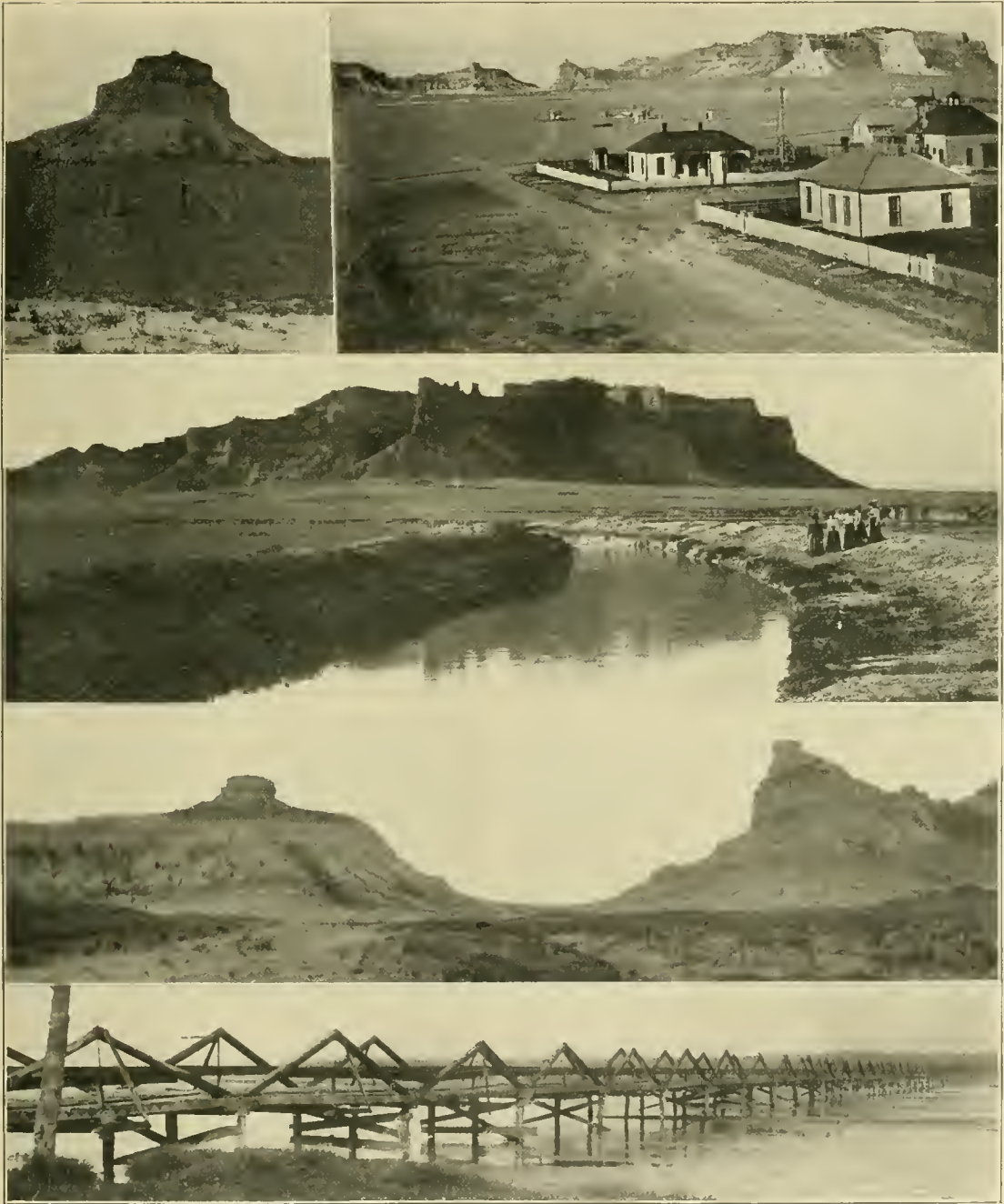
³⁰ *Across the Rocky Mountains*, p. 110.

³¹ *What I Saw in California*, pp. 101-102.

³² *Journal of an Exploring Tour*, p. 66.

³³ *Across the Rocky Mountains*, p. 112.

³⁴ *Stansbury's Expedition*, p. 272.



Photographs by John Wright, Staff Artist.

SCOTTS BLUFF AND VICINITY

Scotts Bluff, the most imposing in appearance of all the elevations in the Platte valley, is three miles south of the town of that name and two miles west of Gering. The upper and next to the lower pictures show the Bluff, the Tower, and Mitchell's Pass, the route of the Oregon trail between them, looking west from Gering. The upper picture on the right was taken at midnight by the light of the moon, after an exposure of an hour and a half (photo by H. A. Mark). To the left of it is the Tower alone. The second picture from the top is a view of the Bluff from the east side, an irrigation canal in the foreground. At the bottom is the bridge at Camp Clarke, built in 1876, for the Black Hills traffic, by Henry T. Clarke with the aid of other enterprising citizens of Omaha, leading freighters, and the Union Pacific railroad company.

might do their own work. He pointed out to Stansbury a good wagon which he had bought from discouraged emigrants for seventy-five cents. He kept a considerable stock-in-trade of this sort, which he had acquired through the misfortunes and discouragements of travelers.

In his return itinerary Stansbury records that he found on Scotts Bluff a small rivulet, a row of old deserted houses, a spring at the foot of Sandstone Bluffs, where the road crosses the ridge, cedars on the bluffs and good grass on the plains.

Bryant describes this remarkable formation as follows:

The bluff is a large and isolated pile of sand-cliffs and soft sandstone. It exhibits all the architectural shapes of arch, pillar, dome, spire, minaret, temple, gothic castle and modern fortification. These, of course, are upon a scale far surpassing the constructing efforts of human strength and energy. The tower of Babel, if its builders had been permitted to proceed in their ambitious undertaking, would be but a feeble imitation of these stupendous structures of nature. While surveying this scenery, which is continuous for twenty or thirty miles, the traveler involuntarily imagines himself in the midst of the desolate and deserted ruins of vast cities, to which Nineveh, Thebes and Babylon were pignies in grandeur and magnificence. The trail leaves the river as we approach "Scott's Bluff" and runs over a smooth valley in the rear of the bluff seven or eight miles. From this level plain we ascended some distance, and found a faint spring of water near the summit of the ridge, as cold as melted ice.

From the extreme height of this ridge the travelers were able to see the peaks of the Rocky mountains; and Laramie's Peak, one hundred and fifty miles distant, was distinctly visible. This author gives perhaps as nearly authentic a story of the tragedy which gave the name to the bluff as can now be told:

A party of some five or six trappers, in the employment of the American Fur Company, were returning to the "settlements," under the command of a man — a noted mountaineer — named Scott. They attempted to perform the journey in boats, down the Platte. The current of the river became so shallow that they could not navigate it. Scott was seized with a disease which rendered him helpless. The

men with him left him in the boat, and when they returned to their employers, reported that Scott had died on the journey, and that they had buried him on the banks of the Platte. The next year a party of hunters, traversing this region, discovered a human skeleton wrapped in blankets, which from the clothing and papers found upon it, was immediately recognized as being the remains of Scott. He had been deserted by his men, but afterwards recovering his strength sufficiently to leave the boat, he had wandered into the bluffs where he died, where his bones were found, and which now bears his name.

As Captain Bonneville learned the story in 1832, Scott traveled sixty miles eastward before he succumbed at the bluffs.

While those early travelers were keen and intelligent observers of the remarkable mountain region of Nebraska, it was left to the recent work of scientific men to furnish accurate information and specific data concerning it. Court House Rock is now about five miles from the river, its height above the sea level is 4,100 feet; and above the level of the river, 440 feet. Its upper part of about 160 feet is of sandstone and the rest of pink Bad Lands clay. Chimney Rock is somewhat less than two miles from the river; its height above sea level is 4,242 feet, and above the river, 340 feet. The chimney proper is about 50 feet in diameter at the base, 142 feet high, and is of sandy formation. A part of the upper forty feet of the chimney has been chipped off. The rest of the rock is of pink clay or marl, interbedded with volcanic ash. One of these beds is five feet in thickness. The varying colors of white and red attributed to these elevations by the early travelers were owing to the light to which they were exposed when they saw them. In the clear sunlight the color was white. Geologists suppose that the volcanic ash was blown across the plains from the far distant mountain regions of Arizona. Wind and rain tint the whole surface of these remarkable rocks with this whitish ash.

Scotts Bluff is about three-quarters of a mile from the river; 4,662 feet in height above sea level, and nearly 800 feet above the river. The upper 282 feet is of sandy and concretionary formation, below which are pink Bad Lands

clays or marls, with two beds of white volcanic ash. This bluff is in Scotts Bluff county, and Court House Rock and Chimney Rock are in Cheyenne county. The highest peak in the range is Wild Cat mountain — 5,084 feet — in Banner county. The highest elevation of these mountains, in Nebraska, is in the extreme northwest of Kimball county where they reach the height of 5,300 feet.

It is said that the Oregon trail in Nebraska is entirely obliterated. In September, 1873, the writer of this history crossed it near Steele City, and it was then a gorgeous band of sun-flowers, stretching on a direct line north-westwardly as far as the vision could reach — a most impressive scene. But the route may always be described generally by the principal rivers as follows: The Kansas, the Little Blue, the Platte, the Sweetwater, the Big Sandy, the Green, the Bear, the Snake, the Boise, the Grande Ronde, the Umatilla, the Columbia. The northern trail from old Council Bluff kept to the north of the Platte, crossing just beyond the mouth of the Laramie river. This northern route probably came to be considerably used about 1840. When Frémont crossed the Platte on his return, twenty-one miles below the junction of the north and south forks, he found on the north side "an excellent, plainly beaten road." Frémont crossed the Loup river below its forks, while the earlier Oregon trail crossed the forks above the junction. Subsequently there were branches from Florence, Omaha, Bellevue, Plattsmouth, Nebraska City, and Brownville, and from St. Joseph and Fort Leavenworth below the Nebraska line. They flourished most from the time of the gold discoveries in the Pike's Peak region until the Pacific roads were built.

This wonderful highway was in the broadest sense a national road, although not surveyed or built under the auspices of the government. It was the route of a national movement — the migration of a people seeking to avail itself of opportunities which have come but rarely in the history of the world, and which will never come again. It was a route, every mile of which has been the scene of hardship and suffering, yet of high purpose and stern determination. Only on the steppes of Siberia can so long a highway be found over

which traffic has moved by a continuous journey from one end to the other. Even in Siberia there are occasional settlements along the route, but on the Oregon trail in 1843 the traveler saw no evidence of civilized habitation except four trading posts, between Independence and Fort Vancouver.

As a highway of travel the Oregon trail is the most remarkable known to history. Considering the fact that it originated with the spontaneous use of travelers; that no transit ever located a foot of it; that no level established its grades; that no engineer sought out the fords or built any bridges or surveyed the mountain passes; that there was no grading to speak of nor any attempt at metalling the road-bed; the general good quality of this two thousand miles of highway will seem most extraordinary. Father De Smet, who was born in Belgium, the home of good roads, pronounced the Oregon trail one of the finest highways in the world. At the proper season of the year this was undoubtedly true. Before the prairies became too dry, the natural turf formed the best roadway for horses to travel on that has probably ever been known. It was amply hard to sustain traffic, yet soft enough to be easier to the feet than even the most perfect asphalt pavement. Over such roads, winding ribbon-like through the verdant prairies, amid the profusion of spring flowers, with grass so plentiful that the animals reveled in its abundance, and game everywhere greeted the hunter's rifle, and finally, with pure water in the streams, the traveler sped his way with a feeling of joy and exhilaration. But not so when the prairies became dry and parched, the road filled with stifling dust, the stream beds mere dry ravines, or carrying only alkaline water which could not be used, the game all gone to more hospitable sections, and the summer sun pouring down its heat with torrid intensity. It was then that the trail became a highway of desolation, strewn with abandoned property, the skeletons of horses, mules, and oxen, and, alas! too often, with freshly made mounds and head boards that told the pitiful tale of sufferings too great to be endured. If the trail was the scene of romance, adventure, pleasure, and excitement, so it was marked in every mile of its course by human misery, tragedy, and death.

The immense travel which in later years passed over the trail carved it into a deep furrow, often with several parallel tracks making a total width of a hundred feet or more. It was an astonishing spectacle even to white men when seen for the first time.

It may be easily imagined how great an impression the sight of this road must have made upon the minds of the Indians. Father De Smet has recorded some interesting observations upon this point.

In 1851 he traveled in company with a large number of Indians from the Missouri and Yellowstone rivers to Fort Laramie, where a great council was held in that year to form treaties with the several tribes. Most of these Indians had not been in that section before, and were quite unprepared for what they saw. "Our Indian companions," says Father De Smet, "who had never seen but the narrow hunting paths by which they transport themselves and their lodges, were filled with admiration on seeing this noble highway, which is as smooth as a barn floor swept by the winds, and not a blade of grass can shoot up on it on account of the continual passing. They conceived a high idea of the countless White Nation, as they express it. They fancied that all had gone over that road, and that an immense void must exist in the land of the rising sun. Their countenances testified evident incredulity when I told them that their exit was in nowise perceived in the land of the whites. They styled the route the Great Medicine Road of the Whites."³⁵

Over much of its length the trail is now abandoned, but in many places it is not yet effaced from the soil, and may not be for centuries. There are few more impressive sights than portions of this old highway to-day. It still lies there upon the prairie, deserted by the traveler, an everlasting memorial of the human tide which once filled it to overflowing. Nature herself has helped to perpetuate this memorial, for the prairie winds, year by year, carve the furrow more deeply, and the wild sunflower blossoms along its course, as if in silent memory of those who sank beneath its burdens.

Railroads practically follow the old line from Independence to Casper, Wyoming, some fifty miles east of Independence Rock; and from Bear river on the Utah-Wyoming line to the mouth of the Columbia. The time is not distant when the intermediate space will be occupied, and possibly a continuous and unbroken movement of trains over the entire line may some day follow. In a future still more remote there may be realized a project which is even now being agitated, of building a magnificent national road along this line as

a memorial highway which shall serve the future and commemorate the past.³⁶

There were other journeys of minor importance through Nebraska to the far Northwest, previous to Frémont's return from his first expedition, when the trans-Missouri region was no longer an unknown country. About 1832 a strong movement began for sending missionaries to the Indian tribes beyond the Rocky mountains. In 1834 the Methodists sent Jason and Daniel Lee; and in 1835 the Presbyterians sent Marcus Whitman and Rev. Samuel Parker, who started from Bellevue on the 22d of June with a caravan of the American Fur Company led by Lucien Fontenelle. The party first traveled to the Elkhorn river, which they followed ten miles, then followed Shell creek "a good distance." They crossed the Loup at the Pawnee villages near the junction of the forks, then went southwest to the Platte river, which they followed to the forks, and then proceeded along the north fork.

In his journal³⁷ Parker relates that his party crossed the Elkhorn on the 25th of June, 1835. "For conveyance over this river we constructed a boat of a wagon body so covered with undressed skins as to make it nearly water-tight. The method was very good." This appears to have been a favorite method of fording streams; for the first wagon train that crossed the Plains of which we have an account — that of Captain Bonneville, in 1832 — forded the Platte in the same way. The wagons, "dislodged from the wheels, were covered with buffalo hides and besmeared with a compound of tallow and ashes, thus forming rude boats."³⁸ Mr. Parker tells us that

The manner of our encamping is to form a large hollow square, encompassing an area of about an acre having the river on one side; three wagons forming a part of another side, coming down to the river; and three more in the same manner on the opposite side; and the packages so arranged in parcels, about three rods apart, as to fill up the rear and the sides not occupied by the wagons. The horses and mules, near the middle of the day, are turned out under guard to feed for two hours, and the same again towards night, until after sunset, when they are taken up and brought within the hollow square, and fastened with

³⁵ *Western Missions and Missionaries*, pp. 97-98.

³⁶ *History American Fur Trade*, vol. i, pp. 460-463.

³⁷ *Journal of an Exploring Tour*, p. 49.

³⁸ *Adventures of Captain Bonneville*, p. 53.



Photographs by John Wright, Staff Artist.

SCENES AT ASH HOLLOW

The original route of the Oregon trail, from the south fork to the north fork of the Platte river, by way of Ash Hollow, descends northward from the plain, 3,763 feet above sea level, four miles to the river bottom, at an elevation of 3,314 feet. From the head of the Hollow, the trail, still visible, wound to the left about a mile along the sharp-backed ridges, then dropped by a very steep descent eastward into the Hollow, which here widens into a level valley from a quarter to half a mile wide. The spring, a luxury to the emigrants, still bubbles up strongly a quarter of a mile from the mouth of the Hollow, and at the base of a cliff about 100 feet high, as shown in the middle picture. The cedar and ash trees at one time abundant here all have been cut away. Marks of Fort Grattan, occupied as a post in 1855, are visible near the river north of the east side of the mouth of the Hollow. On the west side of the mouth of the Hollow are the modest gravestones of Rachel Patterson, a girl of nineteen, who died in 1849, and of two infant children.

The figure on the hill is that of Mr. Albert Watkins, editor of the MORTON HISTORY

ropes twelve feet long to pickets driven firmly into the ground. The men are divided into companies, stationed at the several parcels of goods and wagons, where they wrap themselves in their blankets and rest for the night; the whole, however, are formed into six divisions to keep guard, relieving each other every two hours. This is to prevent hostile Indians from falling upon us by surprise, or coming into the tent by stealth and taking away either horses or packages of goods.

The Pawnees were evidently the same troublesome, thieving creatures at the time of their first relations with white men as they proved to be down through territorial times. On the 2d of July Parker records³⁹ that, "these Indians were going out upon their summer hunt by the same route we were pursuing, and were not willing we should go on before them lest we should frighten away the buffalo." And again, July 6th: "We were prevented from making the progress we might have done if the Indians would have permitted us to go on and leave them. The men of the caravan began to complain of the delay, and had reason to do so, having nothing to eat but boiled corn and no way to obtain anything more before finding buffalos." And then, July 9th, we have a hint of that irrepressible spirit which was soon to force the Indians out and away from further opportunity for interference; for "Captain Fontenelle, by a large present, purchased of the Indians the privilege of going on tomorrow without them." But "our men could hardly have been kept in subordination if they had not consented." On the 14th of July "the announcement of buffalo spread cheerfulness and animation through the whole caravan, and to men whose very life depended on the circumstances it was no indifferent event. From the immense herd of these wild animals . . . we were to derive our subsistence."

Francis Parkman, the noted historian, traveled over the Oregon trail, starting from Leavenworth in May, 1846. Like every other observant traveler, he makes note of the Pawnee trails leading from their villages on the Loup and the Platte to the southwestward hunting

grounds. The universal notice of these trails, which appear to have extended as far as the Smoky Hill river, proves that they must have been well-defined. Parkman expresses the difference in the impression made upon travelers by the Plains and by the mountain country, by noting that the trip from Fort Leavenworth to Grand island was regarded as the more tedious, while that from Fort Laramie west was the more arduous. By this time the principal points in the Oregon trail had come to be permanently fixed, and Parkman says, "We reached the south fork of the Platte at the usual fording place." The trail had also become a busy highway by 1846, for Parkman tells us that the spring of that year was a busy season in the city of St. Louis. "Not only were emigrants from every part of the country preparing for the journey to Oregon and California but an unusual number of traders were making ready their wagons and outfits for Santa Fé. The hotels were crowded and the gunsmiths and saddlers were kept constantly at work preparing arms and equipments for the different parties of travelers. Steamboats were leaving the levee and passing up the Missouri, crowded with passengers on their way to the frontier." Parkman adds his testimony as to the illusory notion of the navigability of the Platte in an account of the misadventures of a fleet of eleven boats laden with furs which were attempting to make use of that treacherous stream as a highway: "Fifty times a day the boats had been aground; indeed, those who navigate the Platte invariably spend half their time on sand-bars. Two or three boats, the property of private traders, afterward separating from the rest, got hopelessly involved in the shallows, not very far from the Pawnee villages, and were soon surrounded by a swarm of the inhabitants. They carried off everything that they thought valuable, including most of the robes; and amused themselves by tying up the men left on guard and soundly whipping them with sticks."⁴⁰

Bryant testifies to the futility of successfully attempting to navigate the Platte even with the shallow Mackinaw boats. Below the forks he met two parties with these craft laden

³⁹ *Journal of an Exploring Tour beyond the Rocky Mountains, 1835-37*, pp. 52-53.

⁴⁰ *Oregon Trail*, pp. 69-70.

with buffalo skins and bales of furs. The men were obliged to jump into the stream very frequently to push the boats over the bars, and it would often require three or four hours to cover a single mile.

These incidents may be coupled in an interesting way with the serious attempts to navigate the Platte in the later territorial times.

Bayard Taylor, in his *Eldorado, or Adventures in the Path of Empire*, gives the following vividly realistic description of the part which Nebraska was playing in the great drama of California emigration:

The great starting point for this route was Independence, Missouri, where thousands were encamped during the month of April, waiting until the grass should be sufficiently high for their cattle, before they ventured on the broad ocean of the Plains. From the first of May to the first of June, company after company took its departure from the frontier of civilization, till the emigrant trail from Ft. Leavenworth, on the Missouri, to Ft. Laramie at the foot of the Rocky Mountains, was one long line of mule trains and wagons. The rich meadows of the Nebraska or Platte, were settled for the time, and a single traveler could have journeyed from the space of a thousand miles, as certain of his lodgings and regular meals as if he were riding through the old agricultural districts of the Middle States. The wandering tribes of Indians on the Plains — the Pawnees, Sioux, and Arapahoes — were alarmed and bewildered by this strange apparition. They believed they were about to be swept away forever from their hunting grounds and grass. As the season advanced and the great body of emigrants got under way, they gradually withdrew from the vicinity of the trail, and betook themselves to grounds which the former did not reach. All conflicts with them were thus avoided, and the emigrants passed the Plains with perfect immunity from their hostile and thievish visitations.

Another and more terrible scourge, however, was doomed to fall upon them. The cholera, ascending the Mississippi from New Orleans, reached St. Louis about the time of their departure from Independence, and overtook them before they were fairly embarked on the wilderness. The frequent rains of the early spring, added to the hardship and exposure of their travel, prepared the way for its

ravages, and the first three or four hundred miles were marked by graves. It is estimated that about four thousand persons perished from this cause.

Willam Kelly observed Fort Kearney with foreign contemptuousness, thus: "We reached Fort Kearney early in the evening — if fort it can be called — where the States have stationed a garrison of soldiers, in a string of log huts, for the protection of the emigrants; and a most unsoldierly looking lot they were — unshaven, unshorn, with patched uniforms, and lounging gait. Both men and officers were ill off for some necessaries, such as flour and sugar, the privates being most particular in their inquiries after whiskey."⁴¹

Fort Kearney. Stansbury, who reached Fort Kearney on the 19th of June, gives this description of the fort: "The post at present consists of a number of long, low buildings, constructed principally of adobe, or sun-dried bricks, with nearly flat roofs; a large hospital tent; two or three workshops, enclosed by canvas walls; storehouses constructed in the same manner; one or two long adobe stables, with roofs of brush; and tents for the accommodation of horses and men." He speaks of the road over the prairies as being "already broad and well beaten as any turnpike in our country." He says of the emigrant's wagon that "it is literally his home. In it he carries his all, and it serves him as a tent, kitchen, parlor, and bedroom, and not infrequently as a boat to ferry him over an otherwise impassable stream. Many have no other shelter from the storm during the whole journey, and most of these vehicles are extremely tight, roomy, and comfortable." He complains of the breaking out of skin diseases on account of the lack of fresh meat and vegetables; and as to game, "Ashambault, our guide, told me that the last time he passed this spot (the valley of the Platte near the eastern end of Grand island) the whole of the immense Plain as far as the eye could reach, was black with the herds of buffalo. Now not so much as one is to be seen; they have fled before the advancing tide of emigration." The emigrants were obliged to go four or five miles from the line of travel

⁴¹ *Across the Rocky Mountains*, pp. 99, 100.

to find a buffalo. Stansbury says that the Pawnee Indians were very troublesome between the Blue and Fort Kearney, so that a force had been sent from the fort to drive them off. A great many of the travelers became discouraged before they had entirely crossed the Missouri plains, and Stansbury relates that "wagons could be bought from them for from ten to fifteen dollars apiece and provisions for almost nothing at all." The party forded the south fork of the Platte one hundred and eighty miles west of Fort Kearney in this way:

One of these wagons, as an experimental pioneer, was partially unloaded by removing all



ALEXANDER MAJORS

Frontiersman, pioneer freighter, under whose direction the pony express was inaugurated

articles liable to injury from water, and then driven into the stream; but it stuck fast, and the ordinary team of six mules being found insufficient to haul it through the water, four more were quickly attached and the crossing was made with perfect safety and without wetting anything. In the same manner were all the remaining wagons crossed, one by one, by doubling the teams and employing the force of nearly the whole party wading along side to incite and guide the mules. The water was

perfectly opaque with yellow mud and it required all our care to avoid the quicksands with which the bottom is covered. . . . Both man and beast suffered more from this day's exertion than from any day's march we had yet made.

Published accounts of this California travel seem to be confined to the lower route — from Independence, St. Joseph, and Fort Leavenworth. In the year 1849 one William D. Brown had a charter for operating the Lone Tree Ferry across the river from Council Bluff to accommodate this class of emigration. The upper routes, however, did not come into general use until the Pike's Peak discoveries of gold about ten years later.

THE OVERLAND STAGE. The "Overland Mail" and the "Overland Stage" to California are justly famous as factors in the vast enterprise of opening up the western plains and of traversing them for communication with the Pacific coast. The simultaneous development of the California gold fields and the successful founding of the great Mormon settlement at Salt Lake City led to the establishment by the federal government of the "Overland Mail," and the first contract for carrying this mail was let in 1850 to Samuel H. Woodston of Independence, Missouri. The service was monthly and the distance between the terminal points, Independence and Salt Lake City, was twelve hundred miles. Soon after this time this mail route was continued to Sacramento, California. The service was by stage-coach, and the route was substantially the same as the Oregon trail as far as the Rocky mountains, and thus passed through Nebraska. Fort Kearney, Fort Laramie, and Fort Bridger were the three military posts on the route. When serious trouble with the Mormons was threatened in 1857, General Albert Sidney Johnston was sent with five thousand soldiers into the Salt Lake valley, and the mail service was soon after increased to weekly trips. In 1859 this mail contract was transferred to Russell, Majors & Waddell, who afterwards became the most extensive freighters in Nebraska from the Missouri river. The firm's original headquarters were at Leavenworth, but when it took the contract for carrying sup-

plies to Johnston's army in 1858 Nebraska City was chosen as a second Missouri river initial station, and the business was conducted by Alexander Majors, who thus became a very prominent citizen of the territory. He states that over sixteen million pounds of supplies were carried from Nebraska City and Leavenworth to Utah in the year 1858, requiring over three thousand five hundred wagons and teams to transport them. This firm controlled the Leavenworth and Pike's Peak Express, and after taking the mail contract in question the two stage lines were consolidated under the name of the Central Overland California and Pike's Peak Express. The new contractors

the winter season; but southern wish and political power were doubtless the real father to the thought of the change. The mail left St. Louis and San Francisco simultaneously on the 15th of September, 1858, to traverse for the first time a through route from the Missouri river to the Pacific ocean. The trips were made semi-weekly with Concord coaches drawn by four or six horses, and the schedule time was twenty-five days.

On account of the disturbance of the Civil war the southern route was abandoned in the spring of 1861, and a daily mail was established over the northern route, starting at first from St. Joseph, but a few months afterward



ONE TYPE OF THE FAMOUS CONCORD STAGE-COACH

abandoned St. Joseph as an initial point, and started only from Atchison and Leavenworth. After the subsidence of the Mormon trouble the mail service to Salt Lake City was reduced — in June, 1859. The first through mail line to the Pacific coast was opened by the post-office department September 15, 1858, and it ran from St. Louis through Texas via Fort Yuma to San Francisco. It was operated by the Butterfield Overland Mail company, John Butterfield being the principal contractor. The main objection urged against the northern route was that on account of deep snow and severe weather the mail could not be carried regularly and the trips were often abandoned during a considerable part of

from Atchison, Kansas. The consolidated stage line which carried it — the Central Overland California and Pike's Peak Express — was in operation for about five years, or until it was superseded in part by the partial completion of the transcontinental railway. The first through daily coaches on this line left the terminal points — St. Joseph, Missouri, and Placerville, California — on the 1st of July, 1861, the trip occupying a little more than seventeen days. The stage route followed the overland trail on the south side of the Platte river, while the Union Pacific railroad, which superseded it as far as Kearney in 1866, was built on the north side of the river. "For two hundred miles — from Fort Kearney to a point

opposite old Julesburg — the early stage road and railroad were in no place more than a few miles apart; and in a number of places a short distance on either side of the river and only the river itself separating them." As the Central Pacific and Union Pacific railway lines approached each other from the west and from the east, the stages adapted their starting point from time to time to the termini of the railroads. The Concord coaches used on this greatest stage line ever operated, and so-called because they were built in Concord, New Hampshire, accommodated nine passengers inside and often one or two sat beside the driver. Sometimes an extra seat was built on the outside behind the driver, and not infrequently as many as fifteen passengers rode in and on a coach.

Until 1863 the passenger fare by this stage line was \$75 from Atchison to Denver, \$150 to Salt Lake, and \$225 to Placerville. The fare was increased soon after when the currency of the country became inflated. Ben Holladay, who was the transportation Morgan or Hill of those days, controlled this great line. In 1865 he obtained the contracts for carrying the mail from Nebraska City and Omaha to Kearney City. The Western Stage Company was another large transportation organization which operated stages in Iowa; and from the latter '50's until it was taken over by Holladay, quite after the fashion of present day combinations, it operated stage lines from Omaha and Nebraska City to Fort Kearney. There was a good deal of friction between these two lines during the times of heavy travel, owing to the fact that the through passengers on the Overland route from Atchison filled the stages so that those coming from Omaha and Nebraska City on the Western Stage Company's lines were often obliged to wait at Fort Kearney a tedious number of days.

The famous Pony Express, which was put into operation in 1860 between St. Joseph and Sacramento, was the forerunner of the present great fast mail system of the United States.

In 1854 Senator W. M. Gwin of California rode to Washington on horseback on the central route by way of Salt Lake City and South

pass; and over part of the route B. F. Ficklin, superintendent of the firm of Russell, Majors & Waddell, was his companion. The idea of the famous Pony Express grew out of this trip. Senator Gwin introduced a bill in the Senate to establish a weekly mail on the pony express plan, but without avail, and then, through Gwin's influence, Russell organized the scheme as a private enterprise through the Central Overland California and Pike's Peak Express company. No financial aid was extended to the company by the government. Ordinary letters were carried by the slower service and were barred by the high toll from this fast express. "The charges were originally five dollars for each letter of one-half ounce or less; but afterwards this was reduced to two dollars and a half . . . this being in addition to the regular United States postage.

The originators of this great enterprise evidently knew that its regular revenue would amount to but a small part of the operating expenses, and counted on receiving a subsidy from the federal government. But the subsidy of a million dollars was reserved for the slower daily mail which superseded the pony express. This brilliant pioneer object lesson in fast transcontinental service cost the demonstrators some two hundred thousand dollars in loss. By an act of Congress of March 2, 1861, the contract of the post-office department with the Overland company of the old southern route for a daily mail over the central route included a semi-weekly pony express. The original company continued to operate the Pony Express under this contract by arrangement with the Overland company until it failed in August, 1861. The Express was continued by other parties until October 24th of that year when the through telegraph line had been completed.

In 1860, according to the report of the postmaster general, there was a tri-monthly mail by the ocean to California, and a semi-monthly mail from St. Joseph to Placerville, but during the year this was increased to a weekly between St. Joseph and Fort Kearney, "for the purpose of supplying the large and

increasing populations in the regions of the Pike's Peak and Washoe mines." There were two other mail routes to San Francisco — a weekly from New Orleans, via San Antonio and El Paso, and a semi-weekly from St. Louis to Memphis.

By the ninth section of an act of Congress approved March 2, 1861, authority is given to the postmaster general to discontinue the mail service on the southern overland route (known as the "Butterfield route") between St. Louis and Memphis and San Francisco, and to provide for the conveyance, by the same parties, of a six-times-a-week mail by the "central route," that is, from some point on the Missouri river, connecting with the east, to Placerville, California. In pursuance of this act, and the acceptance of its terms by the mail company, an order was made on the 12th of March 1861, to modify the present contract so as to discontinue the service on the southern route and to provide for the transportation of the entire letter mail, six times a week on the central route, to be carried through in twenty days eight months in the year, and in twenty-three days four months in the year, from St. Joseph, Missouri (or Atchison, Kansas), to Placerville, and also to convey the entire mail three times a week to Denver City and Salt Lake, . . . a pony express to be run twice a week until the completion of the overland telegraph, through in ten days, eight months, and twelve days, four months in the year, conveying for the government free of charge five pounds of mail matter. . . The transfer of stock from the southern to the central route was commenced about the 1st of April, and was completed so that the first mail was started from St. Joseph on the day prescribed by the order, July 1, 1861. . . The overland telegraph having been completed, the running of the pony express was discontinued October 26, 1861. . . At the commencement of threatening disturbances in Missouri, in order to secure this great daily route from interruption, I ordered the increase of the weekly and tri-weekly service, then existing between Omaha and Fort Kearney, to daily. . . By that means an alternative and certain daily route between the east and California was

obtained through Iowa, by which the overland mails have been transported when they became unsafe on the railroad route in Missouri. In sending them from Davenport, through the state of Iowa, joining the main route at Fort Kearney, in Kansas [Nebraska] the only inconvenience experienced was a slight delay, no mails being lost so far as known.⁴²

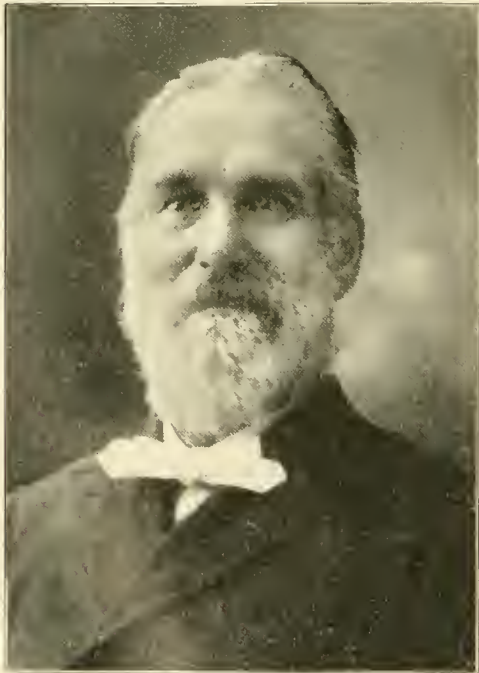
THE PONY EXPRESS. In the spring of 1860 an advertisement containing the schedule of the new enterprise was published in New York and St. Louis newspapers. It announced that the Pony Express would run regularly each week from April 3, 1860, that it would carry letter mail only, that it would pass through Forts Kearney, Laramie, and Bridger, Great Salt Lake City, Camp Floyd, Carson City, the Washoe silver mines, Placerville, and Sacramento, and that the letter mail would be delivered in San Francisco within ten days of the departure of the express. Telegraph dispatches were delivered in San Francisco in eight days after leaving St. Joseph.⁴³ W. H. Russell,⁴⁴ president of the Central Overland California and Pike's Peak Express company, was the mainspring of this remarkable enterprise. About five hundred of the hardiest and fleetest horses were used; there were a hundred and ninety stations distributed along the route from nine miles to fifteen miles apart, and each of the eighty riders covered three stations, or an aggregate of about thirty-three miles, using a fresh horse for each stage. In the spring of 1861 the express left St. Joseph twice a week — on Wednesdays and Saturdays. The maximum weight of the letters carried was twenty pounds. The schedule at first was ten days, but it was afterwards accelerated to eight days. The time occupied in making the first trip between St. Joseph and Sacramento was nine days and twenty-three hours, not much more than half the time of the fastest overland coach trip between St. Louis and San Francisco by the southern route. At Sacramento the mail was taken aboard steamers, which made as fast time as possible down the Sacramento river for the remaining one hundred twenty-five miles to San Francisco. Sure-footed and tough Mexican horses were commonly used on the rough, mountainous stages.

⁴² *Messages and Documents, 1861-1862*, pt. iii, pp. 560-561.

⁴³ They were carried by Pony Express to Placerville or Sacramento and telegraphed from there.

⁴⁴ General Bela M. Hughes, late of Denver, Colorado, succeeded William H. Russell as president of the Overland, in March, 1861.

Heat and alkali dust in summer, snow and torrential streams in winter, and hostile Indians the year round, made these trips exceedingly difficult and hazardous. Armed men mounted on bronchos were stationed at regular intervals along a large part of the trail to protect the riders from the Indians. These riders of necessity were distinguished for remarkable endurance and courage, and many of them afterward became famous as hunters and Indian fighters on the great Plains. The route of William F. Cody, who afterward became



MOSES H. SYDENHAM
Pioneer of Western Nebraska

a permanent citizen of Nebraska, lay between Red Buttes, Wyoming, and Three Crossings on the Sweetwater, a distance of about seventy-six miles, and one of the most difficult and dangerous stages of the whole line. Cody himself relates that in an emergency he continued his trip on from Three Crossings to Rocky Ridge — eighty-five miles — and then back to his starting point, Red Buttes, covering the whole distance of three hundred and twenty-two miles without rest, making not less than fifteen miles an hour. The Pony Express

was operated for eighteen months, or until it was superseded by the telegraph, which was completed in 1861. Considering its vicissitudes and hazards and its remarkable speed, so nearly approximating that of the steam railway train, the Pony Express was the most interesting and picturesque transportation enterprise of which we have any record. The Express followed the lines of the old Oregon trail in Nebraska, passing through Big Sandy and Thirty-two Mile creek, Cottonwood Springs, and O'Fallons Bluff to the lower California crossing then opposite the present Big Spring. It then followed the Julesburg route, reaching the north fork near Court House Rock via Lodge Pole creek and Thirty-mile ridge. On occasion remarkably quick time was made by the Express. For example, a copy of President Lincoln's first inaugural address went from St. Joseph to Sacramento, approximately two thousand miles, in seven days and seventeen hours, and the distance between St. Joseph and Denver, six hundred and sixty-five miles, was covered on this trip in sixty-nine hours.

The Missouri and Western Telegraph company completed the first telegraph line from Brownville by way of Omaha to Fort Kearney in November, 1860, and the storeroom of Moses H. Sydenham of Kearney was used for the first office. This line was continued on to Julesburg by the same company, while Mr. Edward Creighton built the line west from that point to Salt Lake City, where it met the one coming east from San Francisco.

The first mail from the east to the Pike's Peak gold mines was established between Fort Kearney and Denver in August, 1860. Fort Kearney was a very important point on the great Overland route, since there was the junction of travel from Kansas City, Atchison, and St. Joseph on the southeast, and from Omaha, Council Bluffs, and Nebraska City on the east.

Fort Kearney, in 1863, was a rather lonesome but a prominent point. It was a place of a dozen or more buildings including the barracks, and was established by the government in 1849. Here it was that the stages, ox and mule trains west from Atchison, Omaha, and Nebraska City came to the first

telegraph station on the great military highway. It was a grand sight after traveling one hundred and fifty miles without seeing a settlement of more than two or three houses to gaze upon the old post, uninviting as it was, and see the few scattered buildings, a nice growth of shade trees, the cavalry men mounted upon their steeds, the cannon planted in the hollow square, and the glorious stars and stripes proudly waving in the breeze above the garrison. The stage station — just west of the military post — was a long, one-story log building and it was an important one; for here the western stage routes from Omaha and Nebraska City terminated, and its passengers from thence westward had to be transferred to Ben Holladay's old reliable Overland line.

RIVER NAVIGATION. Though there was some steamboat traffic on the lower Missouri river before 1830, the American Fur Company, under the control of John Jacob Astor and his son, William B. Astor, with headquarters at New York and a branch house at St. Louis, prepared for the first regular navigation, extending to the upper river, in that year. The company built the steamer *Yellowstone*, so named, doubtless, because its farthest objective point was to be the mouth of the *Yellowstone* river. But on the first trip, in the spring of 1831, it was impracticable to go farther than Fort Teumseh, opposite the present city of Pierre. The following spring the *Yellowstone* reached Fort Union, and this first trip established the practicability of upper river steamboat navigation. Fort Benton soon came to be regarded as the head of navigation and retained that advantageous distinction as long as river navigation lasted. Missouri river steamboat traffic was largely cut off when the Northern Pacific railway reached Bismarck in 1873, and it was virtually abandoned when other railroads reached the river at Pierre in 1880 and at Chamberlain in 1881. It is probable that the last through commercial trip was made in 1878, and that the *Missouri* made the last trip for any purpose from St. Louis to Fort Benton in 1885. Though carried on for forty years with great difficulty, owing to the notoriously shifty and snaggy character of the stream, this navigation was the chief medium of freight and passenger traffic between the

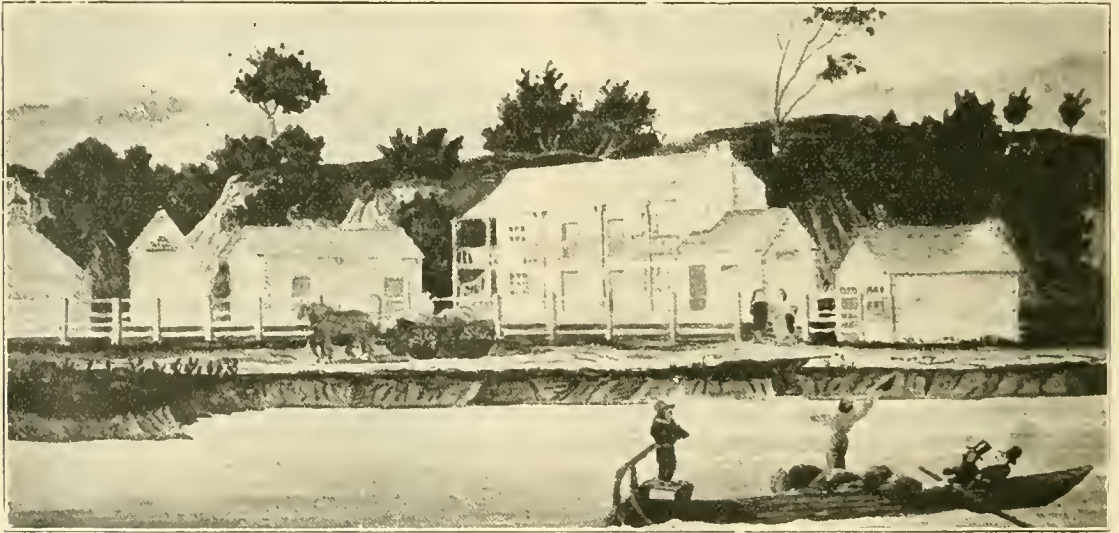
East and the western Plains, and was the right arm of the forces which began the structure of civilized society in Nebraska and of the first transcontinental railway whose beginning was also in Nebraska. Whether this greatest but ugliest—in temper as well as appearance—of all our great rivers will ever again be utilized for navigation depends upon the unsettled economic question whether future mechanical inventions and improvements shall constitute or reestablish it as a practicable rival or coadjutor of the railway. At the present time the chances do not encourage expensive experiments upon the river to fit it for navigation, and in 1902 Congress abolished the useless and senescent Missouri river commission. But it is not improbable that this vast body of water will eventually be used for the irrigation of enormous areas of arid and semi-arid but otherwise exceedingly rich agricultural lands. Engineering authority in support of this view is not wanting.

Until the introduction of steamboats the river traffic of the fur companies was carried on by keel-boats. They were usually from sixty to seventy feet in length, and, with the exception of about twelve feet at either end, were occupied by an enclosed apartment in the shape of a long box in which the cargo was placed. The boats were ordinarily propelled by a cordelle, a rope about three hundred yards long, one end being attached to a tall mast, while the other was in the hands of from one to two score men who traveled along the shore of the river and hauled the boat after them. When the wind was at all favorable a large sail was also used, and frequently the boat would make good progress against the current by the force of the wind alone. Poles and oars were used also as emergency required. It is not remarkable that by this clumsy and fearfully laborious method the ordinary voyage of the keel-boat from St. Louis to the upper river was not accomplished in less than four or five months. The mackinaw-boat was somewhat smaller than the keel-boat and of comparatively temporary construction. It was propelled by four oarsmen, but was used only in down-stream trips. The

frame of the bull-boat, which was used on the shallow tributaries of the Missouri, was built of willow saplings lashed together with rawhide and covered with hides of bull buffaloes, which gave it its name. This craft was buoyant and flexible and well adapted for the sandy shallows of the Platte and others of the smaller rivers.

Bellevue was an important point in the later fur trading days, because, being the site of an Indian agency, boats passing up the river were subjected to a rigid inspection to see that they

the service of the American Fur Company at Cabanné's post. In the spring of 1833 he conducted a fleet of mackinaw-boats from that post to St. Louis. He was also employed by Major Pilcher, Cabanné's successor, and in 1834 by Peter A. Sarpy. Soon after this he began his own career as pilot and captain of various steamboats on the Missouri—mainly on the upper river—which lasted till 1879. He died at St. Louis in 1899. La Barge named a steamboat built in 1854 and used on the Missouri river for the American Fur Company's



From painting by S. W. Y. Schymonsky

OLD TRADING POST, BELLEVUE, IN 1854

had on board no intoxicating liquors which it was unlawful to carry into the "Indian country."

The cargoes of the boats in the earlier river navigation consisted of merchandise for Indian trading, outfits for trappers and hunters, and stores for military posts; and in addition passengers of all sorts and conditions. Captain Joseph La Barge was the principal figure among the Missouri steamboat captains and pilots, and he characterized and distinguished his class just as Kit Carson and our own "Buffalo Bill" and others illustrated the great qualities and achievements of the scouts of the Plains. He was born in 1815 of a French-Canadian father and a Spanish-French mother. At the age of seventeen he entered

trade, St. Mary, after Peter A. Sarpy's post situated just below Bellevue on the Iowa side of the river.

On the 7th of June, 1851, Father De Smet, accompanied by Father Christian Hoecken, took passage on the steamer *St. Ange* from St. Louis to Fort Union, which was about three miles above the mouth of the Yellowstone, on the northern side. Several members of the American Fur Company with about eighty men were on the boat. "They," said the missionary, "went in quest of earthly wealth; Father Hoecken and I in search of heavenly treasures—to the conquest of souls." It had been a season of mighty floods, and the valleys of the Mississippi and Missouri were covered with water. The travelers were af-

flicted with malarial diseases in various forms, and about five hundred miles above St. Louis they were attacked by cholera, from which Father Hoecken died, after heroically ministering to the needs of his stricken fellow-passengers. "A decent coffin, very thick, and tarred within, was prepared to receive his mortal remains; a temporary grave was dug in a beautiful forest, in the vicinity of the mouth of the Little Sioux, and the funeral was performed with all the ceremonies of the church, in the evening of the 19th of June, all on board assisting." On the return of the boat in about a month the coffin was exhumed and carried back to Florissant for burial.

The annals of the times credit these noble priests with characteristic incessant devotion to their suffering fellow-passengers.

In the year 1858 there were 59 steamboats on the lower river and 306 steamboat arrivals at the port of Leavenworth, Kansas. The freight charges paid at that point during the season amounted to \$166,941.35. In 1859 the steamboat advertisements in the St. Louis papers showed that more vessels left that port for the Missouri river than for both the upper and the lower Mississippi. In 1857 there were 28 steamboat arrivals at the new village of Sioux City before July 1. There were 23 regular boats on that part of the river, and their freight tonnage for the season was valued at \$1,250,000. The period from 1855 to 1860 was the golden era of steambating on the Missouri river. It was the period just before the advent of the railroads. No other period before or after approached it in the splendor of the boats. All the boats were side-wheelers, had full-length cabins, and were fitted up more for passengers than for freight. It was an era of fast boats and of racing.

The provisions for the establishment of public roads are recited in the account of the proceedings of the several territorial legislatures; an account is also given of the building of territorial roads by appropriations of the federal Congress. The means of transportation and the amount and condition of travel in the territorial years before the completion of the Union Pacific railway are indicated in an interesting manner in the contemporary newspapers. In a report of a committee of the first council of the territorial legislatures, on a bill

chartering the Platte Valley & Pacific Railway company, it is stated that nine-tenths of the travel to the Pacific coast passes along the Platte valley—from St. Louis by water to Independence, Weston, St. Joe, Council Bluffs, and occasionally Sergeants Bluff, "and uniting at these points with those who come by land from the East, converge in the Platte valley at various points within two hundred miles, a little north of a due west line from Omaha, Bellevue, and Florence." This report recites, also, that "thirty years ago Colonel Leavenworth, who then commanded the post in sight



PETER J. DE SMET, S. J.

of this locality (Fort Atkinson), called the attention of our government to the importance, practicability, and expediency of constructing a railroad by way of the Platte valley to the Pacific."

Acting Governor Cuning in his message to the legislature, December 9, 1857, states that "The United States wagon road from the Platte river via the Omaha reserve to the Running Water, under the direction of Colonel Geo. Sites, has been constructed for a distance of one hundred and three miles, including thirty-nine bridges"; and he gives the names of the streams crossed by these bridges and the length of each bridge. Mr. J. M. Woolworth, in his

little book, *Nebraska in 1857*, notes that, "A year ago Congress established a military road from this place to New Fort Kearney and appropriated \$50,000 for its construction. That work is nearly complete, and runs up the valley of the Platte through all the principal settlements west of this." The territorial legislature⁴⁵ memorialized Congress to grant to John A. Latta, of Plattsmouth, 20,000 acres of land in the valley of the Platte river, on condition that before October 1, 1861, he "shall place on said river a good and substantial steamboat and run the same between the mouth of said Platte river" and Fort Kearney, and do all necessary dredging, "knowing that there is a sufficient volume of water in said river which is a thousand miles in length." This visionary memorial sets out that the proposed method of navigation would be advantageous for government transportation among other things. In a joint resolution and memorial to Congress, the Fifth legislature, in urging the bridging of the Platte river, states that "a military or a public road beginning at L'eau-qui-court and extending southward across the territory, has been located and opened under the direction of the national government, and has become a great thoroughfare, whereon military supplies may be expeditiously transported northward. It also affords an avenue of trade of great advantage and is now one of the prominent mail routes to the inhabitants of this territory and others, in said territory."⁴⁶ The governor's message to the seventh legislature⁴⁷ urges that "without a bridge over the Loup Fork the government road up the Platte valley is but a work half done." The governor's message to the twelfth—and last—territorial legislature⁴⁸ again urges the building of a bridge across the Platte river; and the same document⁴⁹ informs us that "now four regular trains run daily between Omaha and North Platte, 293½ miles, and

that the track is complete for 305 miles, 240 miles of roadbed having been constructed and 262 miles of track laid during the past season; also that there is a Howe truss bridge, 1,505 feet, across the Loup Fork and a pile bridge, 2,640 feet, across the North Fork."

The *Herald* of July 13, 1866, gives an account of the excursion of the members of the legislature to the end of the Union Pacific road beyond Columbus. The excursionists took dinner at that place, and at the after-dinner ceremonies Andrew J. Poppleton presided and Dr. Thomas C. Durant, General Hazen, Geo. Francis Train, Governor David Butler, Thomas W. Tipton, John M. Thayer, and the ubiquitous Colonel Presson, then chaplain of the territorial house of representatives, made speeches. It is suggestive of the relations of the Union Pacific corporation to politics for many years afterwards that the speaking list at this banquet comprised most of the well-known republican, and some of the democratic politicians of the territory. The *Herald* of June 22, 1866, notes that George Francis Train had just made the quickest trip on record from Omaha to New York, via St. Joe, in eighty-nine hours. The same trip is now made in forty-two hours. The Nebraska of today, however, is not proportionately faster than his pioneer predecessor in other phases of his daily life. In May, 1867, passengers went from Chicago to Denver in five days—by rail over the Chicago and Northwestern and the Union Pacific roads to North Platte and thence by Wells, Fargo & Co.'s mail and express line.

A striking illustration of economic conditions on our western frontier is afforded by a statement in the *Nebraska City News*⁵⁰ that at Fort Kearney the price of corn is \$3.50 and \$4 a bushel, and from \$3 to \$4 a bushel a hundred miles west of Nebraska City. Illustration of the feeling of desert-like isolation in the territory as late as 1859 is found in Omaha correspondence of the *Advertiser*⁵¹ which notices the arrival of the Florida, the first steamer of the season, "amid the shouts and cheers of the multitude, and the booming of cannon under the charge of Captain Ladd's artillery squad. It is the earliest landing made in this vicinity

⁴⁵ *Laws of Nebraska*, 6th ter. sess., p. 219.

⁴⁶ *Laws of Nebraska*, 5th ter. sess., p. 412.

⁴⁷ *House Journal*, p. 21.

⁴⁸ *Council Journal*, p. 14.

⁴⁹ *Ibid.*, p. 15.

⁵⁰ November, 13, 1858.

⁵¹ March 17.

for many years." The *Advertiser* of March 3, 1859, says that the completion of the Hannibal & St. Joseph railroad was celebrated at the place last named on the 23d inst. on a grand scale. "The completion of this road will take a surprising amount of emigration off the river which will be poured out opposite southern Nebraska and northern Kansas and speedily work its way into these portions of the two territories. The Nebraska City *News*⁵² rejoices that a depot of federal military supplies has been established at that place; and May 29th, following, the *News* wagers that three times more freight and passengers have been landed at the Nebraska City wharf this season than at any other town. The *News* of May 21, 1859, says Alexander Majors estimates that from four hundred to six hundred wagons would be sent out from Nebraska City that season, and about as many from Leavenworth.

The *Advertiser*⁵³ says that, "The little boat built for the purpose of navigating the Platte river passed here going up on Sunday morning. It was a little one-horse affair, and will not, in our opinion, amount to much. If the Platte river is to be rendered navigable, and we believe it can, it requires a boat sufficiently large to slash around and stir up the sand, that a channel may be formed by washing." The Omaha *Nebraskian*⁵⁴ notes that forty boats will navigate the Missouri river the coming season — two will run daily between Liberty and St. Joseph, and three daily between St. Joseph and Omaha, all in conjunction with the Hannibal and St. Joe railroad. On the 11th of August following the same paper notes that the Kearney stage made a quick trip to Omaha in thirty-three hours, carrying six passengers. On the 25th of the same month the *Nebraskian* announces that Colonel Miles had chosen Omaha City as the place of debarkation and reshipping his supplies to Fort Kearney.

At the height of travel to the newly discov-

ered gold mines in the vicinity of Denver there was sharp rivalry between Nebraska City and Omaha and other minor starting places, such as Brownville and Plattsmouth. As early as 1854 the Omaha *Arrow*,⁵⁵ with a wish no doubt aiding the thought, insists that Omaha has "the great advantages of being on a shorter line by many miles than any other crossing below this from Chicago to the north bend of the Platte, and the south, or Bridger's Pass, and the crossing of the Missouri river is as good, to say the least of it, at this point as at



STEPHEN F. NUCKOLLS

any other in a hundred miles above the mouth of the Platte." The Nebraska City *News*⁵⁶ takes a traveler's guide to task for stating that the route from Plattsmouth is direct, when Fort Kearney is in fact forty miles south of a line west from that starting point and half a mile south of Nebraska City. It is observed in the item that no government train had ever gone out from Plattsmouth, all traffic of this kind starting from Nebraska City because it was the military depot.

The *News* of April 28, 1860, tells of a new route to the mines, by way of Olathe, on Salt

⁵² February 27, 1858.

⁵³ May 12, 1859.

⁵⁴ February 18, 1860.

⁵⁵ August 4.

⁵⁶ April 21, 1860.

creek, which shortens the distance by fifty to seventy-five miles. June 30th the *News* says that Cadman's, Goodwin's,⁵⁷ and Davison's,⁵⁸ on Salt creek, and Vifquain's on the Blue are good farms for entertainment on the new straight road to Kearney. The place on the Blue referred to was for many years subsequently the farmstead of General Victor Vifquain, and Cadman's was John Cadman's homestead. The *News* of July 28th, illustrating the extensive freighting business at Nebraska City, says that Hawke, Nuckolls & Co. sent in a train of twenty wagons from the mines for supplies. On the 24th of November the same paper gives a statement of Alexander Majors' freighting business to Utah, the western forts, and Pike's Peak, from April 25 to October 13, 1860:

Pounds transported.....	2,782,258
Oxen used.....	5,687
Wagons used.....	515
Mules used.....	72
Men employed.....	602

At that time Hawke & Nuckolls were, next to Majors, the heaviest freighters. The *News* of December 22, 1860, gives the following itinerary of the freight route from Nebraska City: To Little Nemaha 9 miles, good bridge across the Nemaha; Nemaha to Brownell creek, 10 miles, good ford; to north branch of Nemaha, 6 miles, good crossing, plenty of good water; to Bucks Bend, 5 miles, a rock ford on the Nemaha; to Salt creek, 20 miles — bridge begun — large steam saw and grist mill; to junction of the old road, 3 miles; to the Blue, 25 miles, bridge absolutely necessary, impossible for heavy teams to cross; Blue to Dry Run, 20 miles, never failing spring of water; Dry Run to a spring, 20 miles; to the junction of Leavenworth road, 60 miles; total, 178 miles.

The same paper contains a map of the route from Nebraska City to Fort Kearney, giving distances from point to point, making a total of 169½ miles, as follows: From Nebraska City to north fork of Little Nemaha, 6½ miles; up Little Nemaha to Brownell creek,

7 miles; to Little Nemaha, 4 miles; to the head of Little Nemaha, 21 miles; to Salt creek, 11 miles; to east fork Big Blue, 17 miles; to a grove of timber, 17 miles; to head of Big Blue river, 50 miles; to Platte river, 17 miles; to Fort Kearney, 19 miles.

The Nebraska City *News* gives the following account of a contract just made between the authorities of the United States army and Russell, Majors & Waddell:

The contract amounts to \$1,700,000. Five thousand tons of government supplies and stores are now preparing for shipment to this place to be conveyed hence in ox wagons, up the valley of the Platte and across the mountains to Utah. To move this immense mass will require two thousand heavy wagons, twenty hundred ox drivers and train masters, and from eighteen to twenty thousand oxen, and in one continuous column will present a length of forty miles. Mr. Majors, one of the government contractors for transporting this freight, has taken up his residence in this city, and of course will prove an inestimable addition to its society, both socially, morally, and in a business point of view. The capacious wharf, built specially to receive this freight, is nearly completed, and when finished will be one of the very best on the river.

In view of this great commercial boon and boom a public meeting of citizens of Nebraska City was held on the 25th of February at which resolutions were adopted pledging it by the written obligation of "the mayors of the three cities" — presumably Nebraska City proper, South Nebraska City, and Kearney City — in the sum of \$100,000, that the levee should be finished by the opening of navigation, and that a committee of thirteen should be appointed to carry out the resolution that "the business of dram selling is demoralizing, illegal, and a public nuisance, and we heartily approve of the condition imposed of their suppression." The committee of thirteen were pledged "to take immediate and efficient measures to abate the nuisances, wherever they arise in this locality, and to maintain the law in our community by moral suasion if possible and that failing by every other lawful and honorable means."

In glorification over this contract, the same

⁵⁷ James Goodwin located on Salt creek in the spring of 1857.

⁵⁸ James L. Davison, pioneer of 1857.



FREIGHTING SCENES FROM PHOTOGRAPHS

The lower view represents the freighting train known as "Bull of the Woods," owned by Alexander and James Carlisle. From a photograph taken on Main street, Nebraska City, looking east from Sixth street, and loaned by Mr O. C. Morton. This train consisted of twenty-five wagons with six mules to each wagon, and was considered one of the finest outfits known to freighters.

paper, of February 27, 1858, announces that in the coming months of April, May, June, and July two thousand wagons, hauled by sixteen thousand cattle, hitched up with two acres of ox yokes and driven by two thousand ox drivers would start across the Plains. The item promises to the citizens a season of grand opera, when "Bellows Falls, or the Glory of a Bovine Jehu" would be presented nightly.

The *Nebraska City News* leaves in unexplained ambiguity the question whether the advantage of the Nebraska City over the Leavenworth route lay in distance or in the superiority of oxen over mules: "The ox trains leaving Nebraska City in May reached

as that of commercial transportation, in those ante-railroad days is illustrated in an article puffing the steamer *Wautossa* which appeared in the *Omaha Times*, June 17, 1858: "The *Wautossa* arrived here 'up to time' on Sunday morning last. Captain Morrison finding, at our levee and at other landings near here, a large quantity of freight, awaiting shipment for points above, consented to extend this trip to Sioux City. The *Wautossa* departed for Sioux City on Tuesday morning, having on board pleasure parties from Nebraska City, Council Bluffs, and Omaha. A band of music accompanied the party. The trip can not fail of being a pleasant one to all on board."



Courtesy Nathan P. Dodge, Council Bluffs, Iowa

FERRY ACROSS THE ELKHORN RIVER

Twenty-three miles northwest of Omaha, 1854. Drawing by George Simons, whose uncle, Norton Simons, owned the Bellevue ferry.

Fort Kearney, unloaded and made four days travel back toward Nebraska City when they met mule trains from Leavenworth that left there in April."

A curious illustration of the dependence of the people upon even impracticable water transportation as late as 1858 is afforded by a statement in the *Advertiser* that a small steamboat had ascended the Big Nemaha as far as Falls City — twenty-five miles — coupled with the remark that, "this can not fail to prove gratifying to the enterprising citizens of this flourishing and prosperous young city."

The mode of taking pleasure trips, as well

Travelers at this time report a great deal of gold on the road from the mines to Nebraska City. The *Nebraskian*⁵⁹ notes that two hundred miles of the route to the mines is over a military road, constructed by the federal government, and gives much space to glorifying that route and the importance of the gold fields. A panoramic view of the North Platte route ten thousand feet long was exhibited in Omaha as an advertisement. Cottonwood Springs in those days was counted "ten days from Omaha." May 23, 1860, the *Omaha Republican* reports that crossing Loup fork at Columbus can be accomplished "in a very few minutes." about four-fifths of the emi-

⁵⁹ February 25, 1860.

grants through Omaha cross the Platte at Shinn's ferry. The correspondent says that since leaving Fort Kearney there had not been less than fifty to one hundred teams in sight at any time. Residents estimated that two thousand five hundred to three thousand teams had already passed along this route that season, and, allowing about five persons to a team, he estimated that from ten thousand to fifteen thousand people had gone over that road to the mines during the spring in question. There were plenty of antelope and other kinds of game, but no buffalo were to be seen.

The *Republican* of August 15, 1860, notes that many adventurous individuals are building boats at Denver for the purpose of navigating the Platte, and thereupon gives this sage counsel: "We would advise all that such an enterprise is attended with great difficulties, and often results in the total abandonment of the boat after many weeks of fruitless endeavor to reach the Missouri." The *Nebraskian*⁶⁰ says that not less than twenty Pike's Peak wagons pass its office daily, and thirty were counted one afternoon; and the same paper of April 28th says that teams are passing Fort Kearney at the rate of two hundred a day. In the same issue there is a statement that the rate for freight from Omaha to Denver is \$9 per hundred pounds, and that there is much of it lying at Omaha awaiting transportation. In this paper James E. Boyd & Co. advertise that they keep a general merchandise store and a stable capable of accommodating forty horses on the north side of the Platte river directly opposite Fort Kearney, and the Genoa ferry is advertised to carry teams across the Loup fork "at the town of Genoa, eighteen miles west of Columbus, where there is a good crossing from bank to bank." O. P. Hurford also advertises a ferry over the same stream at Columbus. In this interesting issue of the *Nebraskian* we find also a notice of the organization of the Missouri & Western Tele-

graph company at St. Louis, of which Edward Creighton of Omaha, was treasurer, and Robt. C. Clowry of St. Louis, secretary and superintendent.⁶¹ It is announced that the company intends to construct a telegraph line to Omaha and Council Bluffs immediately, and to extend it westward to the Pike's Peak region.

The *News*⁶² notes that the Messrs. Byram will send out two or three heavy trains a week to Pike's Peak guarded by thirty armed men. On the 9th of August, 1862, the *News* avows that the round trip to Denver from Nebraska City is two hundred miles shorter than from St. Joe or Leavenworth and fifty miles shorter than via Omaha. The following is a good illustration of the importance which the northern route from Omaha had assumed by the summer of 1859:

The secretary of the Columbus Ferry Company at Loup Fork informs the Omaha *Nebraskian* that the emigration across the Plains, up to June 25, was as follows: 1,807 wagons, 20 hand carts, 5,401 men, 424 women, 480 children, 1,610 horses, 406 mules, 6,010 oxen, and 6,000 sheep had crossed this ferry at that point. This statement includes no portion of the Mormon emigration but embraces merely California, Oregon, and Pike's Peak emigrants and their stock, all going westward. The returning emigration cross at Shinn's ferry, some fifteen miles below the confluence of the Loup Fork with the Platte. Many of the outward bound emigrants also crossed at the same point so that it is probable that not less than 4,000 wagons have passed over the military road westward from this city since the 20th of March.⁶³

The *Advertiser*,⁶⁴ which at this time was fervently loyal, insisted that traffic should be diverted from Nebraska City as a punishment for disloyalty to the cause of the Union. The *Nebraskian*⁶⁵ avows that a traveler met seven hundred teams in one day between Loup fork (Columbus) and the Elkhorn river. About five hundred of these would keep the north route and cross the Loup at Columbus; the other two hundred would cross the Platte by Shinn's ferry, "and take the tortuous route on the other side of the river." Another traveler reported that the whole region about Buffalo and Elm creeks is a valley of death, strewn white with buffalo bones over the whole width

⁶⁰ April 14, 1860.

⁶¹ Charles M. Stebbins of St. Louis, was president.

⁶² May 25, 1861.

⁶³ *Dakota City Herald*, August 13, 1859.

⁶⁴ October 19, 1865.

⁶⁵ May 19, 1860.

of the Platte bottom and fifty miles in length. The same paper, June 2, 1860, says that up to that time an average of thirty-five teams and three men to a team had crossed the Missouri river at Omaha on the way to the mines. The *Press*⁶⁶ of Nebraska City says:

There are four principal routes to the gold mines: the Omaha route crosses the Papillion, the Elkhorn, and Loup Fork, three large and bad streams, and a great number of smaller ones, and the Platte, the worst river to ford in the West, and is six hundred miles long. The St. Joe and Leavenworth route crosses the Soldier, Grasshopper, Nemaha, Walnut, Big Blue, Sandy, Little Blue, and many other tributaries of the Kansas, at points where there are no bridges and are difficult to ford — distance, six hundred and fifty to seven hundred miles. The Kansas City route, up the Kansas and Arkansas rivers is a bad and difficult road. From Kansas City to the mouth of Cherry creek it is nine hundred miles. The Nebraska City route runs along the divide between the southern tributaries of the Platte and the northern tributaries of the Kansas and crosses but one stream of more than a few inches of water on the whole route. There are good timber, water, and grazing along the whole line. It is about five hundred miles — the road has not (nor have any) been measured, but we judge from the time of travel; ox teams have come from Auraria to Nebraska City in twenty-five days.

The *Huntsman's Echo*,⁶⁷ published at Wood River Center, Buffalo county, shows that our own heyday of monopoly of transportation is no new thing:

The people of the Pike's Peak mining district, together with all concerned, and the rest of mankind, will be pleased to learn that after being swindled, gouged, imposed upon, and literally robbed in the matter of mail facilities and service by that arch-monopoly, Jones, Russell & Co., for near two years they are now provided by the department, at American rates, a mail from Omaha, by this place and Fort Kearney, once a week and back. The Western Stage Company, the most accommodating, punctual, and reliable in the mail service, has the contract and have already sent out one mail.

⁶⁶ February 3, 1860.

⁶⁷ September 13, 1860.

⁶⁸ May 4, 1861.

⁶⁹ November 1, 1860.

⁷⁰ March 1, 1862.

⁷¹ June 28, 1862.

⁷² August 14, 1863.

Query: Did this editor have a pass?

The *Nebraska City News*⁶⁸ notes that a daily mail line overland to California, via St. Joe, has recently been established. The *Press*,⁶⁹ of Nebraska City, quotes an item from the last *Nebraskian* stating that the telegraph line between Omaha and Fort Kearney has just been finished and that news by Pony Express will doubtless come from Kearney by wire in future.

The *Nebraska City News*⁷⁰ reports that grading is going on across the river for the Council Bluffs and St. Joe railway; and the same paper,⁷¹ describing the Salt Lake traffic from Omaha, says that in two days over a month six hundred and thirty-two large government wagons, each carrying on an average five thousand pounds of freight to Colorado merchants at the mines, passed through Nebraska City. The *Nebraskian*⁷² says that "five trains of sixty wagons each, loaded with freight and Mormon poor, have left for Salt Lake, and five more are to go, making six hundred wagons in all — the last to go this week. There are already two thousand emigrants on the Plains and two thousand yet to leave." Freight on a cotton mill for Salt Lake had already cost \$1,500 as far as Omaha.

In the spring of 1865 there was bitter complaint by the partisans of the Omaha route because travelers were not protected from the Indians. It was charged that anywhere between the mouth of the Elkhorn and the forks of the Platte the North Platte route was ignored by the military and was in a state of outlawry. After passing Fort Kearney travelers north of the south fork were at the mercy of the Indians for a distance of two hundred miles. It was charged also that Brigadier-General P. E. Connor telegraphed on the 24th of May, 1865, to Captain S. H. Morer at Omaha as follows: "Please notify all trains coming west that they must cross the Platte at Plattsmouth. They can not cross the Platte east of Laramie, and I have not the troops to escort them on the north side." The *Republican* at this time charges Morer, Colonel Livingston, and General Connor with favoritism for the Plattsmouth route. On the 27th of

May, 1865, a meeting was held at Omaha for the purpose of raising a subscription of \$50,000 for building a bridge across the Platte in the interest of the North Platte route, and among those on the subscription committee were Edward Creighton, Ezra Millard, and Dr. George L. Miller.

Representatives of the Burlington & Missouri River Railroad company took a lively part in the protest against the change of the route of the Union Pacific railway to the southern, or ox-bow line; and on the 21st of December, 1866, Dr. Miller, in the *Omaha Herald*, assists J. Sterling Morton in his attack in the *Nebraska City News* on Secretary Harlan's decision that the Burlington company might go outside the twenty mile limit to locate its land grant. The *Herald* complains bitterly that to do so "withholds from occupation and sale three million acres of the best lands in Nebraska." The Burlington company objected to the Union Pacific's change of line because it lapped over its own land grant.

On the 25th of October, 1867, the *News* says that there is a tri-weekly stage from Nebraska City to Lincoln doing a large business — "the only regular line of stages from the Missouri river to Lincoln." The *Republican*⁷³ says:

The Burlington & Missouri River railroad has been located as far west as a point opposite Plattsmouth, and surveys have been made from that place west with a view to a connection with the Union Pacific at, or not greatly beyond Columbus. The proposed extension of that line west of the Missouri river is to be in the valley of the Platte and Lincoln City has never been thought of as a point. Besides we venture the assertion that no intelligent man in Nebraska believes that the Burlington road will ever be built west of the Missouri river in any direction. It will seek a connection with the Union Pacific at Omaha, where it can compete on equal terms with the other roads running through Omaha, and will not be guilty of the folly of inviting the opposition of the Union Pacific by seeking to tap it at some point west of this city.

The only excuse for the *Republican's* prophetic blindness is consideration of the fact

that its mistakes had a great deal of company of the same sort at that time. The *Republican* observes that the Chicago & Northwestern Railway company at one time contemplated a connection with the Union Pacific at Columbus or Kearney, crossing the river at Decatur sixty miles north; but, seeing that the Mississippi & Missouri (Rock Island) would form a connection with the Union Pacific at Omaha, the Northwestern changed its route to that city where it could compete on equal terms with its rival. The *Republican* laughed unrestrainedly at the statement that the Northwestern would go to Lincoln.

On the 4th of December, 1867, the *Republican* speaks of a famous early transportation company as follows: "The old Northwestern Stage Company is known by every man, woman, and child in Iowa and Nebraska. . . Its coaches rolled over every road. For years it was the only means of intercommunication — even as late as two years ago."

The *Brownville Advertiser*⁷⁴ gives an interesting sketch of the effect of these freight routes upon the almost sole industry — agriculture — in the course of a complaint of the sloth of Nemaha county in competition for the trade of the lines:

The truth is farmers, more than anybody else, would be benefited by a good road to Fort Kearney. The market for farm produce is now west of us in Colorado and the forts. The thousands of gold hunters in the mountains are fed from the Missouri valley. There is no county in Nebraska that produces more than Nemaha. The surplus is gathered up by freighters, but they do not pay as much here by 20 per cent as in Nebraska City simply because the road from here needs a little mending. Freighters pay 25 cents a bushel for corn at Nebraska City and only 15 and 20 cents here. A bridge, or a good ford, across the Blue, at or near Beatrice, would be worth thousands annually to Nemaha, Richardson, Pawnee, Johnson, Clay, and Gage counties.

The *Advertiser* further complains that:

Ten times as much of the travel across the Plains leaves the river from Omaha and Nebraska City as from Brownville. Ten times as many freighters start for Denver, Julesburg and the forts from Omaha and Nebraska City as from this county. The route from

⁷³ August 28, 1867.

⁷⁴ August 22, 1863.

here to Fort Kearney is naturally better than any other; in distance it is shorter than most other routes; the road is comparatively level; no large streams except the Nemaha to cross; plenty of good water and pasture, and between here and the Leavenworth road at Sandy you are never out of sight of timber. Had about two good bridges been built five years ago a large portion of the vast emigration to the mines would have passed over this route. We vainly hoped that the government would see the importance of this route and would aid us in making a good road. Meanwhile the tide of travel influenced by interested parties became fixed to other roads.

In August, 1862, the *Scientific American* copied from the *Nebraska City News* an account of the trip of a steam wagon — the Prairie Motor — which had started for Denver, "drawing three road wagons containing five tons of freight, two cords of wood, and all the wagons were crowded with excited citizens." The article goes on to relate that there were five regular stage routes between the Missouri river and the West, all of which concentrated at Fort Kearney, and that the stage fare for a single passenger from Nebraska City to Denver was \$75, and the time taken for the trip one week, traveling day and night. "The citizens of Nebraska in view of these facts have regarded the introduction of the steam wagon with enthusiasm as a great improvement upon the common slow and expensive system of animal teaming on the prairie road. On the 28th of July last they met in mass convention at Nebraska City and requested the authorities of the county to construct a road to its western limits suitable for the steam wagon so as to make Nebraska City the focus of the steam wagon line." The *Nebraska City News*⁷⁵ relates that, "General Brown's steam wagon which left here last week, has, we regret to learn, met with an accident. About twelve miles from the city one of the cranks of the wagon shaft broke and stopped further progress for the present. . . The wagon had got over the last rise of ground and was about to start on the long divide which runs clear through to Kearney when it broke. The accident will cause a delay of about three weeks.

⁷⁵ August 2, 1862.

General Brown left immediately for New York with the broken parts to have them replaced. Messrs. Sloate and Osborne, the engineers, remain here and will push immediately forward when the new shaft arrives." But the experiment was abandoned at this stage.

Since Nebraska was, in law and in fact, exclusively "Indian country" prior to the time of its organization as a territory — 1854 — it had no roads except such as had been laid out in the natural course of travel, and no bridges except such as might have been voluntarily built by travelers over the smaller streams. The first appropriation for a highway within the present Nebraska was made by act of Congress, February 17, 1855, which authorized the construction of "a territorial road from a point on the Missouri river (opposite the city of Council Bluffs), in the territory of Nebraska, to New Fort Kearney in said territory." On the 3d of March, 1857, Congress appropriated \$30,000 "for the construction of a road from the Platte river via the Omaha reserve and Dakota City to the Running Water river," under the direction of the secretary of the interior. Appropriations were made for roads within the original territory, but not within the present state, as follows: February 6, 1855, \$30,000, "for a military road from the Great Falls of the Missouri river in the territory of Nebraska to intersect the military road now established leading from Walla Walla to Puget Sound." July 22, 1856, \$50,000, "for the construction of a road from Fort Ridgely, in the territory of Minnesota, to the South Pass of the Rocky Mountains, in the territory of Nebraska." On the 3d day of March, 1865, an appropriation of \$50,000 was made for the construction of a wagon road from the mouth of Turtle Hill river to Omaha, and from the same point to Virginia City, Montana. The main motive for the construction of these highways in the Northwest was national, that is, to provide for transportation of troops and supplies into the country where British influence at the earlier dates and the Indians all the time were most to be feared. Encouragement and accommodation of local settlements was no doubt an important but secondary consideration.



CHAPTER IV

THE LOUISIANA PURCHASE

QUEST for the germ of political Nebraska leads us back just through the brief period of the nation's miraculous making, when — April 2, 1743 — at Shadwell, Albemarle county, Virginia, in the shadow of the Blue Ridge mountains, we find Martha, the mother, clasping to her bosom the new-born Thomas Jefferson, under whose sandy hair are the brains that are to give to mankind the Declaration of Independence; to give distinction to American diplomacy at the court of France, between the years 1785 and 1789, as the first secretary of state under the federal constitution; to initiate and develop the foreign and domestic policy of the young republic; to become president in 1801; to negotiate and complete the Louisiana Purchase from Napoleon Bonaparte in 1803 at a cost of about two and three-fifths cents an acre. The aggregate amount paid for this new empire, of which the present Nebraska forms about a twelfth part, was \$15,000,000. Of this purchase price France received in United States bonds \$11,250,000, and by agreement the remaining \$3,750,000 was paid to American citizens in liquidation of claims against the French government. When the United States took formal possession of these lands on December 20, 1803, the Union consisted of but seventeen states, Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Vermont, with

a total area of 444,393 square miles, or 284,411,520 acres. But Mr. Jefferson's purchase of contiguous territory covered 890,921 square miles, including both land and water surface, or 878,641 square miles — 562,330,240 acres — of land alone; and it lacked but little of being twice as large — as it certainly was twice as valuable for agriculture and mining — as the seventeen states named. Today, with all the more expensively and less peacefully acquired islands of Hawaii, Porto Rico, Guam, and the Philippines in the reckoning, the Louisiana Purchase of President Jefferson comprises nearly one-fourth of the republic.

From this vast purchase of territory adjacent to the previous holdings of the republic have been created thirteen great states, namely: Louisiana in 1812, Missouri in 1821, Arkansas in 1836, Iowa in 1846, Minnesota in 1858, Kansas in 1861, Nebraska in 1867, Colorado in 1876, Montana in 1889, South Dakota in 1889, North Dakota in 1889, Wyoming in 1890, and Oklahoma in 1907. Only about one-third of Colorado, two-thirds of Minnesota, and a little more than three-fourths of Wyoming are parts of the Jefferson purchase. The estimated population of the land ceded by Napoleon in 1803 was fifty thousand whites, forty thousand slaves, and two thousand free blacks. More than four-fifths of the whites and all the blacks except about one thousand three hundred were in and adjacent to New Orleans. The rest were scattered through the country now included in Arkansas and Missouri.¹ The population of the Louisiana Purchase is now over 18,000,000,² and if it were as densely populated as Belgium, which, contains 536 human beings to the square mile, it would contain and maintain 473,326,592.

¹ Adams, *History of the United States*, vol. ii, p. 121. Rufus King on the Missouri Bill, *American Orations*, vol. ii, p. 42.

² Including all of Colorado, Minnesota, and Wyoming, 18,016,363. Census, 1910.

The importance of the Louisiana Purchase does not spring alone from its extent and value as a vast territorial addition to the country, but very largely from its momentous political significance and effect. In the first place it was a pawn played by the great Napoleon in his universal game of war and diplomacy, in which the ancient empires of Europe were the stakes. Acquired by France under Louis XIV, through exploration and settlement here and there, it was ceded to Spain as a salve for sacrifices on her part in the treaty of 1763, which secured the supremacy of the English speaking race on this continent and in general as a colonizing power, and was the territorial preparation for the great republic. Before Napoleon had forced himself into actual power as first consul, November 9, 1799, Tallyrand, who ruled under the directory, had conceived the idea of at once spreading out France in a great colonial empire, and curbing, through near neighborhood, the pretentious young American republic, by securing the retrocession of Louisiana. Spain's fortunes were going from bad to worse, and after Napoleon's startling victory over the Austrians at Marengo in June, 1800, Tallyrand's messenger had but to demand the retrocession on the terms he proposed and it was accomplished — October 1, 1800. The Spanish king, complaining that France had not carried out her part of the bargain, delayed the delivery of Louisiana, but finally yielded, October 15, 1801, on the assurance of Tallyrand that, "You can declare in the name of the First Consul that France will never alienate it." Meanwhile Napoleon had won peace from Austria by force, and from Great Britain through diplomacy, so that now he prepared to take possession of Louisiana; but first he had to deal with the revolution of the negroes of the important outpost of Santo Domingo, under the lead of Toussaint L'Ouverture. The disaster which finally befell Napoleon's army in Santo Domingo, and the impending renewal of his irrepressible conflict with England, led the marvelously practical first consul to abandon whatever thought he may have indulged of a colonial empire in America. It is doubtful that he

ever fully entertained or regarded as feasible this original dream of Talleyrand's. But at any rate, and in spite of Talleyrand, his unequaled executive mind saw straight and clear to his purpose and acted with characteristic decisiveness. In the early days of April, 1803, he disclosed to Talleyrand, and then to others of his ministers, his purpose of ceding Louisiana to the United States. At the break of day, April 11th, the day before Monroe, Jefferson's special envoy for the purchase of New Orleans and possibly the Floridas also, arrived in Paris, Napoleon announced to Marbois, his minister of finance: "Irresolution and deliberation are no longer in season; I renounce Louisiana. To attempt obstinately to retain it would be folly. . . Have an interview this very day with Mr. Livingston." He had said the day before that he feared England would seize Louisiana at the beginning of war; and already, April 8th, he had countermanded the order for General Victor to sail with his army to take possession of Louisiana. When in an interview later in the day Livingston was

"Still harping on my daughter,"

begging only for New Orleans and West Florida, he was disconcerted at the sudden demand of Talleyrand, "What will you give for the whole?" The next day Livingston conferred with Monroe, but in the afternoon he met Marbois, who invited him to his house, and during the night a preliminary understanding was reached. After much haggling about the price the papers were signed during the early days of May, but were dated back to April 30th. Napoleon sought to preclude danger of the subsequent cession of the territory to England, or any other rival power, and to protect the inhabitants, who were mainly French and Spanish, in the enjoyment of their religion and racial propensities, by inserting the following guarantee in the treaty:

The inhabitants of the ceded territory shall be incorporated in the union of the United States and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizenship of the United States; and in the meantime they shall

be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess.

Though this vast territory had actually been pressed upon the American ambassadors, its acquisition was indeed a triumph for the young republic.

Livingston had achieved the greatest diplomatic success recorded in American history. . . . No other American diplomatist was so fortunate as Livingston for the immensity of his results compared with the paucity of his means. . . . The annexation of Louisiana was an event so portentous as to defy measurement. It gave a new face to politics, and ranked in historical importance next to the Declaration of Independence and the adoption of the Constitution — events of which it was the logical outcome; but as a matter of diplomacy it was unparalleled, because it cost almost nothing.³

But Livingston's cup of glory turned to ashes on his lips. He was charged with corruption in the distribution of the part of the purchase price which was to be paid to American claimants, and the credit the public gave Monroe elevated him to the presidency, where he was so fortunate as to make his name known of all men by the timely enunciation of the "Monroe Doctrine," which was adopted as an expedient for the safety of the still young and not yet firmly founded republic and its institutions, and which is still maintained as a principle of American polity, but more perhaps through the influence of tradition than of the original need or expediency, this motive having been superseded by one of wider scope and farther reach though not definitely defined or conceived. The direct bearing of an account of the Louisiana Purchase upon a history of Nebraska will now begin to appear, and is forecast in the following estimate of its political effect or sequel:

Of the transcendent importance of that event, aside from the expansion of territory, we get some idea when we reflect that the Missouri compromise, the annexation of Texas, the compromise of 1850, the Kansas-

Nebraska bill, the Dred Scott case, and at length the Civil war, were events in regular sequence directly traceable to it, not one of which would have occurred without it.⁴

The sweeping conclusions of the eminent jurist are doubtless technically correct, but there is a hint in them of the almost dogmatic implication in many historical accounts of the famous purchase that it was a work of chance — a result of the accidental extremity of the fortunes of Napoleon and of the Spanish nation at that particular time, and of the acumen of several American politicians. Mr. Adams partially corrects this misapprehension when he declares that the acquisition of Louisiana was "the logical outcome of the Declaration of Independence and the adoption of the Constitution." But the historian would have been equally correct and more fundamental if he had said that the acquisition was the logical outcome of the ascendancy of the English race and English institutions in North America, as against the Latin race, which was formally determined by the result of the French and Indian war and the treaty of 1763. The expulsion of France and Spain would have been completed by the same English race without the incident of the secession of the colonies and the division of English territory which the Declaration of Independence proclaimed. While the great Napoleon's necessity of trying conclusions with England at home in 1803, just as his predecessor had tried conclusions with England in America in 1763, and his necessity of diverting the troops with which he intended to take possession of and defend Louisiana to put down the Santo Domingo rebellion, probably at once precipitated this final surrender of French pretension to America which might have been held in solution yet for some time, still the precipitation would have been only a question of time; and it is not unlikely that there would have been the same evolutionary working out of the question of slavery and of union, the same tragedy and the same glory. The first view, in short, has the fault of empiricism, of explaining an important social phenomenon as an accident instead of a natural evolutionary process.

³ Adams, *History of the United States*, vol. ii, pp. 48-49.

⁴ Thomas M. Cooley, "The Acquisition of Louisiana," *Indiana Hist. Soc. Pamphlets*, no. 3, p. 5.

News of the retrocession of Louisiana to France, which reached America about eight months after it had been agreed upon, disclosed the inherent or inevitable opposition to the reinstatement of France. And so Jefferson was moved by fear of such an event to write in July, 1801.⁵

We consider her (Spain's) possession of the adjacent country as most favorable to our interests, and should see with an extreme pain any other country substituted for them.

Spain, unlike her then monstrosly militant neighbor of the same race, was already too inert to be seriously inimical. Madison, Jefferson's secretary of state, wrote, September 28, 1801; to Livingston, who had just reached France, that the proposed change of neighbors was a matter of "momentous concern." If allowed, "inquietudes would be excited in the southern states where numerous slaves had been taught to regard the French as patrons of their cause."⁶ Livingston, who perceived the perplexities of the situation, wrote to Madison several months before the cession, that he was persuaded that the whole business would result in the relinquishment of Louisiana to the United States. It was plain, moreover, to astute American statesmen that the reoccupation of Louisiana by the French undid the work of the Seven Years' war and nullified the treaty of 1763. Jefferson's feeling seemed to grow stronger, and he wrote to Livingston, April 18, 1802, that New Orleans was so important to the United States that whoever held it was for that very reason naturally and forever an enemy, and that the day France took possession of the city the ancient friendship between her and the United States ended and alliance with Great Britain

⁵ At the time (November, 1801) that Jefferson received Talleyrand's explicit denial of retrocession, he received also from Rufus King, American minister at London, the text of the treaty of retrocession dated eight months before.

⁶ It is curious to note that while the French Republic in 1794, still in its mad career of enfranchisement, had freed the slaves of Santo Domingo, it was now part of Napoleon's purpose in sending troops to that island, instead of employing them to take possession of Louisiana, to again reduce the blacks to slavery.

⁷ Adams, *History of the United States*, vol. ii, pp. 63-65.

became necessary. Nor were English statesmen slow to foresee the natural sequence of events. Before the cession had been mooted Lord Whitworth, the British ambassador at Paris, had predicted that America would reap the "first fruits" of the coming French war with England; and Addington, anticipating Napoleon's own later reason for the cession, told Rufus King that the first step of England on the outbreak of war would be to seize Louisiana.

The interesting question as to Napoleon's real reasons for alienating Louisiana from France will perhaps never be settled. Of our late standard historians of the United States, Adams gives the question the most thorough consideration; and while he seriously damages, if he does not completely demolish the reasons usually given, he fails to establish others in their place.

Bonaparte had reasons for not returning the colony to Spain; he had reasons, too, for giving it to the United States,—but why did he alienate the territory from France? Fear of England was not the true cause. He had not to learn how to reconquer Louisiana on the Danube and the Po. . . Any attempt (on the part of England) to regain ascendancy by conquering Louisiana would have thrown the United States into the hands of France; and had Bonaparte anticipated such an act he should have helped it. . . Every diplomatic object would have been gained by accepting Jefferson's project of a treaty (for New Orleans alone) and signing it, without the change of a word. . . The real reasons which induced Bonaparte to alienate the territory from France remained hidden in the mysterious processes of his mind. Anger with Spain and Godoy had a share in it, disgust for the sacrifices he had made, and impatience to begin his new campaigns on the Rhine,—possibly a wish to show Talleyrand that his policy could never be revived, and that he had no choice but to follow into Germany,—had still more to do with the act.⁷

McMaster, on the other hand, puts the orthodox, or generally accepted reasons into a nutshell, thus:

New combinations were forming against him (Napoleon) in Europe; all England was loudly demanding that Louisiana should be attacked; and, lest it should be taken from

him, he determined to sell it to the United States.⁸

Somewhat more at length, and willing to credit Jefferson with shrewd foresight, Schouler adopts the same reasons:

The accident for which Jefferson had here allowed was, in truth, the speedy renewal of hostilities between France and England. The treaty of Amiens had been too hastily drawn up, and its adjustment of disputes was too incomplete to be more than a truce between them. . . . And thus it came to pass ere Monroe could reach Paris. . . . Napoleon after his abrupt fashion had relinquished, and most reluctantly, his designs upon the American continent, under the pressure of a speedy war with England, and the necessity of preventing the United States from making the threatened alliance with its enemy. Forced to surrender the Mississippi, in any event he resolved to put it out of the reach of his immediate foe, and gain the gratitude of a new and rising power. He needed money, furthermore, in aid of his warlike operations.⁹

Rhodes essays little on this topic beyond crediting Jefferson with long-headedness:

The possession of the mouth of the Mississippi was a commercial necessity, and Jefferson showed wisdom in promptly seizing the opportunity presented by a fortunate combination of circumstances to secure the purchase of this magnificent domain.¹⁰

But it is easier and perhaps safer to give over attempting to interpret the motive and design of the arbiter of the Nebraska country, who is likened to deity, and acknowledge that "his ways are past finding out." For a noted Englishman, even, avows that he was "a supernatural force"; that "his genius was supreme"; that "he raised himself by superhuman faculties," and "carried human faculty to the farthest point of which we have accurate knowledge."¹¹ And we find the head of the English army characterizing him as "the greatest soldier and ruler, the greatest human being whom God has ever allowed to

govern here below. . . . His greatness in peace, his success in war, his wisdom as a ruler, his genius as a commander, all combine to make him the most remarkable man whom God ever created."¹²

But while Napoleon's part in this great transaction remains equivocal, or not positively to his credit, Jefferson's reputation for great capacity and consummate sagacity in his part has been established by a century's severest scrutiny. From the time of the retrocession of Louisiana by Spain to France in 1800 the position of the United States was diplomatically very delicate if it was not desperate. France had been insolently preying upon our commerce, and Livingston was obliged to complicate demands for damages on this account with his negotiations for the purchase of New Orleans. No friendship could be expected from England except as it might be played off against France. In its constant peril of one or the other of these greatest powers, Spain took frequent opportunity to visit the young republic with both insult and injury; and though Napoleon's extremity furnished our opportunity for the Louisiana acquisition, its original stimulus and initiative came from an imperious demand for free commerce, through the channel of the Mississippi river, by the settlers of the western parts of Kentucky and Tennessee.

Before the close of the war of the Revolution, John Hay, minister to Spain, had in vain negotiated for an acknowledgment of this privilege, which was claimed on good grounds as a natural right by virtue of our claim of ownership of the entire east bank of the river as far as New Orleans, and of succession to the right of free navigation guaranteed to our grantor, Great Britain, by the treaty of 1763. But then, as now, international treaties and international law were made to be violated with impunity as against the weaker party, and the United States was the weaker party. When Jay, for diplomatic reasons, agreed that the disagreeable matter should not be pressed against Spain for twenty-five years, the restlessness of the Kentucky and Tennessee pioneers broke into riotousness, and preparations

⁸ McMaster, *History of the People of the United States*, vol. ii, p. 626.

⁹ Schouler, *History of the United States*, vol. ii, pp. 50-51.

¹⁰ Rhodes, *History of the United States*, vol. i, pp. 27-28.

¹¹ Roseberry, *Napoleon, The Last Phase*.

¹² Field Marshal Viscount Wolseley, in *Cosmopolitan* for March and April, 1903.

were made to set up a separate government, and to send an armed expedition to force the free passage of the river beyond New Orleans. But, crushed in the adversity of the Napoleonic wars, Spain relented in 1795, and guaranteed free passage of the river and a place of deposit for American cargoes at New Orleans for the period of three years. The bold westerners regarded this agreement as a temporary makeshift, and egged President Adams on for a permanent settlement. Even Hamilton, with many followers, urged the necessity of taking advantage of Spain's helplessness and seizing and holding New Orleans by force; but Adams held them off. Jefferson's administration inherited this persistent demand for a permanently free Mississippi, and he silenced its insistent clamor by setting on foot the negotiations for the purchase. Godoy, who in everything save the ultimate power to enforce his policy and rights, was a match for Talleyrand and Napoleon, had been recalled to power as foreign minister of Spain after she had been persuaded into the retrocession, and he skilfully played every device for delay of the final delivery. Godoy's bold strategy and Touissant's revolution in St. Domingo put off French occupation of Louisiana until, by the spring of 1802, Jefferson's eyes had opened wide on the situation. For "the whole power of the United States could not at that day, even if backed by the navy of England, have driven ten thousand French troops out of Louisiana."¹³ Morales, the Spanish intendant at New Orleans, had goaded the temper of the free trade westerners to the acute stage by refusing to extend the right of passage and deposit at the end of the three years, as the treaty of 1795 had stipulated; and when restitution was ordered by Godoy's influence March 1, 1803, it was too late.

The Spanish tariff on trade through the Mississippi, which drove the pioneer western colonists to revolution, and but for the peaceful diplomacy of Jefferson must have involved the forcible conquest of New Orleans, was

¹³ Adams, *History of the United States*, vol. i, p. 421.

¹⁴ Schouler, *History of the United States*, vol. ii, p. 47.

from fifty to seventy-five per cent. For the last forty years a tariff tax on western agriculture, equally as high, has been imposed by the forms of law at the port of New Orleans and every other port of the Union, and its most strenuous and ablest opponents have hailed from the same old Kentucky commonwealth. It is interesting to reflect that perhaps the aggressive courage, brilliancy, and legal acumen of our present day Kentucky free-traders—the Wattersons and Carlisles—are an inheritance from those pioneer revolutionists against the Spanish tax on trade which was so appropriately named after Tarifa, a Spanish free-booter at the passage of Gibraltar of a still earlier day. And thus the recalcitrant Godoy, playing for time, hoping against hope to free Spain from the shackles of Napoleon, five hundred thousand Santo Domingo negroes frenzied with the passion for personal freedom, and the necessity of the Kentucky and Tennessee settlers for a free market for their tobacco, flour, bacon, and hams, were the Providence of the great Louisiana Purchase.

While Hamilton's policy for getting New Orleans was to seize first and negotiate afterward, and early in March, 1803, Congress authorized Jefferson to call out eighty thousand troops, he resolutely kept the key to the situation and continued "to palliate and endure."

They who sought thus to lessen confidence in the president, and to take the Mississippi entanglement out of his discretionary control by cutting the knot, underrated at this crisis the ability of a most consummate and experienced negotiator; one with whom, in a matter of foreign diplomacy, Hamilton himself bore no comparison.¹⁴

While Adams, in his rigid impartiality, apparently sees that Jefferson might have been open to the charge of having dallied too long in his passion for peace, in face of the imminent danger of Napoleon's occupation with an impregnable force, if the outcome had been disastrous or less glorious, yet he is constrained to unqualified recognition of his great diplomatic skill.

With infinite pertinacity Jefferson clung to his own course. . . . The essence and genius of his statesmanship lay in peace. . . . The consistency of the career became more remarkable on account of the seeming inconsistencies of the moment. He was pliant and yielding in manner, but steady as the magnet itself in aim. His maneuvers between the angry west and the arbitrary first consul of France offered an example of his political method. He meant that there should be no war.¹⁵

The consciences of republicans evidently suffered a severe gnawing because necessity impelled them to violate their construction of the Constitution to get Louisiana. Jefferson urged an amendment which would grant "an enlargement of power from the nation," rather than by mere construction to "make our powers (including treaty powers) boundless," and the Constitution "blank paper." But Jefferson was no less consistent and certainly more logical than his fellow republicans in the the House and the Senate. Although it may be "hard to see how any president could have been more federalist than Jefferson himself," confronted by this imperious necessity of acting outside the acknowledged narrow limits of the written Constitution which theoretically restrained him, yet he frankly confessed that he was technically wrong, but as frankly avowed that he should "acquiesce with satisfaction, confiding that the good sense of our country will correct the evil of construction when it shall produce ill effects." Breckinridge and Nicholas, on the other hand, the one author of the Kentucky, and the other ardent supporter of the Virginian resolutions, now began to see implied powers in the Constitution which would amply support the present purpose. John Quincy Adams, representing the younger and more moderate federalists, like Jefferson, desired the acquisition, but like him also thought a constitutional amendment

necessary and, coöperating with the administration, like Jefferson, offered an amendment for the purpose. Contrary to somewhat authoritative assertion, the ground of Jefferson's constitutional objection included that of the acquirement of territory as well as the right, which was involved in the treaty, of adding this territory, acquired since the formation of the Constitution, as states to the Union.¹⁶

The extreme federalists, such as Pickering of Massachusetts and Griswold of Connecticut, in a fit of capricious, obstructionist partisan temper, insisted that the treaty was absolutely unconstitutional and void, their chief contention being that it involved the admission of this new territory as a state in the Union which could not be done without the consent of all the other states, since the Constitution applied in this sense only to the territory comprised within the United States when it was adopted. "Nothing so fully illustrates the low state to which the once prosperous federalists were fallen as the turbulent and factions opposition they now made to the acquisition of Louisiana." But "the mass of the people pronounced the purchase a bargain,"¹⁷ and Jefferson knew that he was safe in their hands. "He would accept the treaty, summon Congress, urge the House and Senate to perfect the purchase, and trust to the Constitution being mended so as to make the purchase legal."¹⁸ He called Congress in special session in October; the Senate almost unanimously ratified the treaty, and a bill to carry it into effect was passed with only five votes against it in the Senate, and twenty-five federalists voted against it in the House, seventeen of whom were from New England. Nothing more was heard of "mending the Constitution." Neither Jefferson nor Breckinridge, republicans, nor Adams nor Pickering, federalists, could then discern that out of the same revolution which had produced only our rigid written Constitution, hobbled by Hamiltonian "checks and balances," the seeds of a British polity were already growing whose full fruitage was soon to be a constitution made to the order of public opinion directly by the supreme popular house of parliament. In the new-born spirit of devo-

¹⁵ Adams, *History of the United States*, vol. i, pp. 434, 445.

¹⁶ A leading newspaper of the metropolitan class disputed the statement in ex-President Cleveland's address at the opening of the Louisiana Purchase Exposition at St. Louis in 1903, that Jefferson believed the acquirement of the territory was unconstitutional.

¹⁷ McMaster, *History of the People of the United States*, vol. ii, p. 630.

¹⁸ *Ibid.*, p. 628.

tion to an impracticable literal construction of a word-bound constitution, Jefferson was bitterly assailed for violating it; and he has not wholly escaped the assaults of our contemporary publicists: "Mr. Jefferson struck a dangerous blow at the foundation principles of the government, and offered to demagogues who should come after him a corrupting and dangerous precedent, when he proposed to violate the Constitution in order to accomplish an object of immediate desire."¹⁹

The singular error of this eminent expositor of constitutions in saying that, "the purchase, according to the federal view of the Constitution was perfectly legitimate,"²⁰ is sufficiently illustrated by the foregoing brief showing of the attitude of contemporary federal leaders. In brief, this process of immediate constitution-making at the righteous dictate of the public welfare and opinion — though sometimes most unrighteous, and against the one and in spite of the other — which Jefferson, the strict constructionist, began, and which all shades of constructionists have continued to the present day, serves chiefly to illustrate the misconception and the vanity of the painful hair-splitting of "the fathers" as to the constitutionality of the great Purchase. While of necessity we make our constitution as we go, as the work is done in England, according to the order of public opinion, we are hampered, morally and otherwise, by being cut off from that easy and natural test of appeal to the public which, under the responsible cabinet system, our British brethren enjoy. Under a like system of government by discussion we are forced as well as we may to make British bricks without the British straw. All the constitutional questions and speculations raised in the transaction of this momentous business were left to be controverted from time to time during the various phases of the coming struggle over African slavery, and to be revamped and become fa-

miliar to our own ears a century later under the Philippine question, and the present question of the constitutional treaty-making power to enact "reciprocity" without the consent of the House of Representatives — all old yet ever new. But it was decided beyond controversy and without dissent that the government might constitutionally acquire territory though its constitutional status after acquisition is even yet unsettled.

The acquisition was popular on the whole from various motives, chiefly of self-interest. The omnipresent slavery question, though only in a negative and defensive form, affected, if it did not determine, the attitude of the South. Slave-holders would gladly be rid of this French next neighbor whose inculcation of a bias for freedom in the West Indies had broken out in the fearful negro revolution of Santo Domingo. The extreme West, as we have seen, would dispossess the French to insure free travel and trade along the natural and only commercial highway. New England, as usual, at least in those provincial days, was both bigoted and selfish. Her strong religious scruple against having "infidel France" perpetually at our doors was overbalanced in some degree by jealousy of the expansion of the West, as she feared at her own loss in power and population.²¹ In this spirit a Massachusetts politician said: "I consider Louisiana the grave of the Union." Elbridge Gerry animadverted on the danger to the country — that is to the East — to be apprehended from the creation of new states in the West. Even so great a political figure as Gouverneur Morris could contract his vision to this:

Among other objections they (new western states) would not be able to furnish men equally enlightened to share in the administration of our common interests. The busy haunts of men, not the remote wilderness, is the proper school of political talents. If the western people get the power in their hands they will ruin the Atlantic interests.²²

And we wonder if these far-seeing New England statesmen are not at this moment (1905) turning in their graves at the spectacle of the commanding personages in the federal Congress and two members of the fed-

¹⁹ Cooley, "The Acquisition of Indiana," *Indiana Hist. Pamphlets*, no. 3, p. 17.

²⁰ *Ibid.*

²¹ *The Nation*, December 12, 1889, vol. 49, p. 482.

²² See speech of Daniel E. Dickinson, vol. 15, *Cong. Globe*, p. 416.

eral cabinet, all from a single state²³ of this "remote wilderness" of the Louisiana Purchase.

New England's opposition to the Louisiana Purchase and other manifestations of her earlier temper show how lightly the value of the federal union was held, and were precursors and stimulants of the Civil war. The speech of Josiah Quincy, Jr., of Massachusetts, in the House of Representatives, in 1811, opposing the admission of Louisiana as a state on these familiar New England grounds, might well have furnished the very text for the nullification convention of 1832 or of the secession resolutions of 1860-1861.

As Louisiana, in the inevitable order of Providence, was annexed, so it has developed into a family of imperial food-producing states.

A vast, unexplored, almost illimitable empire was ours; perpetual immunity from dangerous neighbors; sole possession of this river of rivers, with all its tributaries; a sure dominating influence in the affairs of the North American continent; national opportunities for the future almost depressing in their sublimity.²⁴

What wonder that even Jefferson almost feared that it might not stop—not east of the Pacific or north of the isthmus; and that not foreseeing the cleavage of the slavery question between the North and South, he feared division along the Mississippi.

The limits of Louisiana were defined in this momentous transfer with less care than we now give to the conveyance of an ordinary town lot or a forty-acre tract within the Purchase. Both Napoleon and Talleyrand had either some malign subjective design or some undisclosed objective purpose in keeping the boundaries ill-defined; and the southeast and southwest boundaries were not settled until the treaty with Spain and Great Britain in 1819, when the claim of the United States to Oregon, which included the present state of that name and Washington and part of Idaho, was also recognized. When at the time of the negotiations the American representatives urged the need of a more definite boundary, Napoleon

treated the suggestion lightly if not scornfully, remarking that the very indefiniteness was so much the better for us, implying, Napoleon-like, that, being the stronger party, it would leave us a good opportunity to get the better of Spain in the final settlement. Decrés, the French minister of marine, had undertaken to fix the boundary for the retrocession from Spain. He said that it was well determined on the south by the Gulf of Mexico; "but, bounded on the west by the river called Rio Bravo (Rio Grande) from its mouth to about the 30th parallel, the line of demarkation stops after reaching this point, and there seems never to have been any agreement in regard to this part of the frontier. The farther we go northward the more undecided is the boundary period. This part of America contains little more than uninhabited forests or Indian tribes, and the necessity of fixing the boundary has never yet been felt there. There also exists none between Louisiana and Canada." The eastern boundary was more definite, and Decrés fixed it by the terms of the treaty of 1763: "It is agreed that in future the boundaries between the States of His Most Christian Majesty and those of His Britannic Majesty shall be irrevocably fixed by a line drawn down the Mississippi river from its source to the river Iberville, and from there by a line down the middle of that river and of the lakes Maurepas and Pontchartrain to the sea. New Orleans and the Island shall belong to France." The western boundary was described in the treaty of 1819 with Spain as follows: "The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the 32d degree of latitude; thence by a line due north of the degree of latitude where it strikes the Rio Roxo, of Natchitoches, or Red river; then following the course of the Rio Roxo westward to the degree of longitude 100 west from London and 23 from Washington; then crossing the said Red River and running thence by a line due north to the river Arkansas; thence following the course of the south-

²³ Iowa.

²⁴ Schouler, *History of the United States*, vol. ii, p. 53.

ern bank of the Arkansas to its source in latitude 42 north; and thence by that parallel of latitude to the South Sea" (Pacific ocean).

In the year 1899 a conference of experts was appointed at the request of the census officer to make a special study of disputed questions in relation to the boundaries of the western territory acquired by the United States. This conference made its report April 5, 1900, and its conclusions in regard to the boundaries of the Louisiana Purchase follow:

1. The region between the Mississippi river and lakes Maurepas and Pontchartrain to the west, and the Perdido river to the east, should not be assigned either to the Louisiana Purchase or to the Florida Purchase, but marked with a legend indicating that title to it between 1803 and 1819 was in dispute.

2. The line between the Mississippi river and the Lake of the Woods, separating the territory of the United States prior to 1803 from the Louisiana Purchase, should be drawn from the most northwestern point of the Lake of the Woods to the nearest point on the Mississippi river in Lake Bemidji.

3. The western boundary of the Louisiana Purchase between 49° and 42° north followed the watershed of the Rocky mountains; thence it ran east along the parallel of 42° north to a point due north of the source of the Arkansas river, and thence south to that source.

The conference found further,

That the territory of Louisiana, as described by France and granted to Crozat by Louis XIV., extended on the east to the river Mobile, which, with the port, was ceded specifically by France to England by the treaty of Paris in 1763, Spain at the same time ceding the Floridas to Great Britain, with St. Augustine and the bay of Pensacola — thus, inferentially at least, determining the respective boundaries of Louisiana and West Florida; that the first occupation of the interior of the territory between the rivers Mississippi and Perdido by the Spaniards, was during the War of the American Revolution, when it belonged to Great Britain; that Great Britain retroceded the Floridas to Spain in 1783, at which time the Louisiana territory belonged to Spain by the French cession in the preliminaries of peace of 1762 (confirmed 1763), whereby "all the country known under the name of Louisiana" was transferred; that Spain in 1800 retroceded Louisiana to France as it was received

from France in 1763; that France in 1803 ceded the territory of Louisiana to the United States, as discovered and held by France, ceded to Spain, and retroceded to France; and, finally, that in 1819 Spain ceded to the United States all the territory held or claimed by His Catholic Majesty under the names of East and West Florida. In addition to the grounds of dispute between France and Spain, and the United States and Spain, here shown, there was a conflicting claim concerning the extent of West Florida, born of the contention between French and Spanish discoverers and settlers in the sixteenth and seventeenth centuries; and there was also the claim of the French, by right of La Salle's descent of the Mississippi in 1682, to "all the country drained by that river."

With reference to the Louisiana boundary, there remained but one point of difference between the maps under consideration. Article II of the definitive treaty of peace in 1783, between the United States and Great Britain, after defining the northern boundary to the Lake of the Woods, continues as follows: ". . . Thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi." Such a line as that described being obviously impossible, the Mississippi river being south not west of the Lake of the Woods, the line drawn by the conference was a line from the most northwestern point of that lake to the nearest point on the Mississippi. This line the conference regarded as justified by rules of international law and practice respecting vaguely described boundaries in such topographical circumstances.²⁵

The temporary act of October 31, 1803, for taking formal political possession of the new territory, continued the form of the Spanish government, merely substituting Jefferson for the king, and subordinate officers of his appointment for the king's officers. The act of March 26, 1804, divided the territory on the 33d parallel — the present line between Louisiana and Arkansas — and provided for a government for the lower division, or "territory of Orleans," by a governor and secretary, judicial officers and a so-called legislative council of thirteen, all appointed by the president. There was much clamor against the arbitrary character of this government in which the people had no voice at all, but this form was modeled upon that of the ordinance of 1787,

²⁵ *Census Bulletin*, no. 74, July 20, 1901.

under which the whole northwest territory and then the individual territories, such as Indiana and Michigan, as they were successively carved out of it, were governed. It was known as government by "the governor and judges," and under it all executive and legislative power was vested in a governor and three judges appointed by the president. These officers might adopt such laws of other states as were applicable to the territory. "The whole government thus originated in Washington and centered there, and was neither derived from the people governed nor responsible to them."²⁶

While this government, in form at least, was obviously arbitrary and unrepresentative, yet its temporary necessity, until there should be people enough to form a popular government or render it practicable, was alike obvious; and the republican principle was saved by providing for a legislative assembly as soon as there should be five thousand free male persons of full age in the territory to elect its members. This assembly would submit names of ten persons to the governor from whom he should select five for a legislative council or upper house; though the governor had absolute veto power over legislation — "the source of unseen harm still inhering in the institutions of Ohio."²⁷

The upper division, called the "district of Louisiana," was attached to the territory of Indiana for governmental purposes. Thus with the exception that the legislative authority in the territory of Orleans was broadened into the council of thirteen appointed exclusively by the president, the whole territory started under the same government as that under which the territory of Ohio had started. If the people of Ohio were fewer in number and so scattered that their participation in governing was impracticable, while those of Orleans were more compactly settled, yet the former were largely Americans, "to the manner born," while as to the latter it was frankly insisted that "the principles of civil liberty can not suddenly be engrafted on a people accustomed

to a regimen of a directly opposite line," and who by prejudices of race were largely hostile to the new government. In both instances wise expediency amounting to temporary necessity prevailed. True, the principles of the government of the northwest territory which, as we have seen, were applied to Louisiana, were adopted under the coöperative leadership of Washington and Adams, and Jefferson and Madison, before they and their followers had divided on federalist and republican party lines. And the defense of the principle by some of the republicans on the ground that Congress had absolute power over the territories — that "the limitations of power found in the Constitution are applicable to states and not to territories" — was inconsistent with the spirit, at least, of the strict constructionist principles which in its youthful ardor the new republican party was just then promulgating with such enthusiasm. This incongruity was illustrated when Marshall, the great federalist chief justice, validated this principle of the extra-constitutional power of Congress as applied to Florida. It was left to Chief Justice Taney, thirty years after, somewhat under the spur of the later developed slave interests, to bring the belated Marshallized constitution back again into consistency with Jeffersonian principles.

But though some of Jefferson's followers, like Breckinridge and Rodney, lost their heads and professed a false faith, and though Jefferson himself, in the temporary government as in the purchase, found it necessary to technically burst some impracticable bonds of a written constitution, yet both Jefferson and his party were in the long run absolutely true to their republican faith in their policy of giving republican government to all territories and of admitting them as states in the Union under republican constitutions of their own making at the earliest practicable moment. In his general republican aim touching the new territory Jefferson was, as the sequel shows, "steady as the magnet itself."

On the 30th of November the Spanish authorities formally and, we may well believe, most reluctantly, turned over Louisiana to

²⁶ Cooley, *History of Michigan*, p. 146.

²⁷ King, *History of Ohio (Commonwealth Series)*, p. 183.

Laussat, the French prefect at New Orleans, and on December 20th following possession was in turn given to General James Wilkinson and Governor Claiborne of Mississippi, who were authorized to receive it on the part of the United States. When the French flag, which was floating in the square, was hauled down and the American flag hoisted to its place, it is related that the few Americans present at the momentous ceremony cheered, but that not a few of the Frenchmen shed tears. On the 9th of March, 1804, a detachment of American troops crossed the river from Cahokia to the village of St. Louis, and Don Carlos Dehault Delassus delivered upper Louisiana to Captain Amos Stoddard, of the United States army, who was authorized to receive it on behalf of France. The next day he turned it over to himself representing the United States, thus ending thirty-eight years of Spanish rule. On the 26th of the same month President Jefferson approved the act of Congress dividing the territory and placing the upper division, the "district of Louisiana," under the government of Indiana territory. That government was embodied in Governor William Henry Harrison, afterward president of the United States, and three judges — William Clark, Henry Vanderburgh, and John Griffin. The secretary was John Gibson. These men had organized the first government of Indiana, July 4, 1800. In a very broad sense, therefore, both territorially and politically speaking, William Henry Harrison — "Old Tippecanoe" — was the first governor of Nebraska, and the first capital was Vincennes. Governor Harrison relieved Captain Stoddard, who had been "king for a day" with the powers and prerogatives of a Spanish lieutenant-governor.²⁸

By act of Congress the laws of the district of Louisiana were to remain in force until they were altered, modified, or replaced by the governor and judges of Indiana territory. On the 1st of October the governor and judges promulgated six laws for Louisiana

territory;²⁹ but these did not affect Indiana, and no law of Indiana extended over Louisiana. The most important of these six laws applied to slavery, and many of its provisions remained in force as long as slavery existed in Missouri. The French settlers had carried slavery with them to St. Louis, and slaves were actually held at this time in Indiana under the quasi-protection of the law; and Harrison, the first governor over "the Nebraska country," was himself a slave-holder. The people of the new territory stoutly rebelled against the arbitrary absentee government, and they again gave cry to the "no taxation without representation" shibboleth whose revolutionary echoes had scarcely died away.

We have already seen that the slavery question faintly shadowed the Louisiana Purchase from the first. Now one of the chief objections to the absentee government was based on the fear that the extension of the abolition ordinance of 1787 over Louisiana might be a preliminary to the abolition of slavery there. It was insisted that re-union of the whole territory under a single government would be more convenient than the Indiana annexation, and that the separation from the territory of Orleans might afford the pretext to "prolong our state of political tutelage." At the same time that these people of upper Louisiana were insisting on being detached from Indiana the people of western Indiana were petitioning Congress to have that territory attached to Louisiana as they believed their slave property would be safer under such an arrangement.³¹

These grievances were formulated in a petition prepared and adopted by a convention held at St. Louis, September 4, 1804, and which was received by the Senate December 31st. Congress gave prompt ear to the remonstrance, and March 3, 1805, a law was passed to take effect July 4th, erecting the territory of Louisiana under a separate government, but the same in form as that of Indiana, legislative power being vested in a governor and three judges appointed by the president, "who shall have power to establish inferior courts in the said territory and prescribe their jurisdiction

²⁸ Carr, *History of Missouri (Commonwealth Series)*, pp. 81, 82.

²⁹ See *Revised Laws of Louisiana Territory, 1808*.

³¹ Ch. 8, *Dunn's History of Indiana*.

and duties and to make all laws which they may deem conducive to the good government of the inhabitants thereof."³² The act contained a provision in the nature of a bill of rights guaranteeing to the people of the territory right of jury trial in civil and criminal cases and immunity from religious disability, and prohibiting the passage of laws inconsistent with the Constitution.

The first governor of the new territory was General James Wilkinson who had been a leader in the agitation for forcibly clearing the Mississippi of Spanish obstruction. He went to Kentucky as a merchant in 1784, and appeared in New Orleans as a trader in 1787. In 1807 Aaron Burr was tried for treasonable conspiracy to break up the federal union, and a few years later Wilkinson was also tried as an accessory. Though both escaped conviction, yet the bad character of both was established. J. B. C. Lucas, a French Pennsylvanian, was appointed chief justice, and Dr. Joseph Browne, of New York, a brother-in-law of Burr's, was appointed secretary.

Captain Lewis, who had returned from the Lewis and Clark expedition in September, 1806, was appointed governor in place of Wilkinson in the spring of 1807. He encountered great disorder on account of disputes over land titles and the hostility of creoles to American rule. Spain had continued in possession of Louisiana after the treaty of retrocession to France in 1800 till the time of American occupancy, and the act of March 26, 1804, provided that all grants of land made by Spain during this time were void. In 1808, Pierre Chouteau, under the instructions of Governor Lewis, concluded a treaty with the Osage Indians for the cession of forty-eight million acres of land extending from Fort Clark, thirty-five miles below the mouth of Kansas river, due south to the Arkansas and along that river to the Mississippi. The Sacs and Foxes sold three million acres in 1804. In 1803 this tribe and the Iowas, their allies, claimed all the state of Missouri, as well as the northwest

quarter of Illinois and part of southern Wisconsin. The treaty of Portage des Sioux, a village on the west side of the Mississippi, a few miles above the mouth of the Missouri, put an end to the Indian wars in the territory, but on the part of the Indians there was the familiar bitter complaint of dark ways and vain tricks pursued by the white negotiators.

Howard succeeded Lewis as governor in 1810. By the census of 1810 the population of the territory was twenty thousand, and settlements had been pushed along a strip from fifteen to twenty miles wide from the Arkansas river to a point not far above the mouth of the Missouri,³³ and had already necessitated the treaties with the Indians. By the act of June 4, 1812, which was to take effect December 12th, the territory of Louisiana became the territory of Missouri, and its government was advanced to the second grade, after the fashion of the second grade territories of the Northwest Territory. The act provided for a governor appointed by the president, a house of representatives elected by the people, and a legislative council of nine members appointed by the president from a list of eighteen persons furnished by the house of representatives—a somewhat more than half-way republican form of government. Governor Howard divided its settled portion into five counties by proclamation, and then for some months the secretary of the territory, Frederick Bates, acted as governor until William Clark, of the Lewis and Clark expedition, was appointed in 1813. He held the office until Missouri became a state in 1821, and after this he was superintendent of Indian affairs until his death. He seems to have been even more skilful and a better selection than his famous companion for the main function of these officers, which was to get hold of the lands of the Indians; and through his negotiations, by 1825, the Sacs and Foxes, the Osages and the Kickapoos had relinquished all their domains within the state of Missouri.

All the part of the original territory between latitude 33° and 36° 30', that is, between the south line of Missouri and the north line of Louisiana, and extending west to the Mexican

³² *Annals of the 8th Cong.*, 2d ses., p. 1684.

³³ McMaster, *History of the People of the United States*, vol. ii, pp. 570-571.

line, about five hundred and fifty miles, was included in Arkansas territory by the act of March 2, 1819. From the time of the admission of Missouri as a state in 1821 until 1834 all the remaining part of the territory was left without any government whatever. By the act of Congress of June 30, 1834, "All that part of the United States west of the Mississippi river and not within the states of Missouri and Louisiana or the territory of Arkansas, and also that part of the United States east of the Mississippi river, and not within any state to which the Indian title has not been extinguished, for the purposes of this act, shall be taken and deemed to be Indian country." The object of this act was to define and regulate the relations of the United States with the Indians of the territory in question, and jurisdiction of questions aris-

ing under it in all the territory south of the north line of the Osage Indian lands was vested in the courts of Arkansas, and of all the territory north of this line and west of the Mississippi in the courts of Missouri.³⁴ The act provided for a superintendent of Indian affairs for all the Indian country who resided at St. Louis, and his salary was \$1,500 a year. He was provided with two agents.³⁵ By the act of June 28, 1834, that part of the territory east of the Missouri and White Earth rivers and north of the state of Missouri was "for purposes of temporary government attached to and made a part of Michigan."³⁶ That part of the territory west of the Missouri river, which included present Nebraska, was left without government or political organization until the passage of the Kansas-Nebraska bill in 1854.

³⁴ *United States Statutes at Large*, vol. 4, p. 729.

³⁵ *Ibid.*, p. 735.

³⁶ *Ibid.*, p. 701.

CHAPTER V

THE MISSOURI COMPROMISE — THE SECOND COMPROMISE — STEPHEN A. DOUGLAS — THE RICHARDSON BILL — THE DODGE BILL — THE KANSAS-NEBRASKA BILL — PROVISIONAL GOVERNMENT — DIVISION OF NEBRASKA — ESTIMATE OF DOUGLAS — PROPOSED BOUNDARIES — SUFFRAGE QUALIFICATIONS

THE first direct contest over the slavery question took place when John Taylor of New York, February 17, 1819, moved to amend the bill for the territorial organization of Arkansas by the same anti-slavery provision which Tallmadge sought to incorporate into the enabling act for the admission of Missouri as a state. It provided that no more slaves should be introduced into the territory, and that all children born after admission should be free, though they might be held to service until the age of twenty-five years. But the status of slavery was fixed on the east in Mississippi and on the south in Louisiana at the time of the purchase, and the argument that Arkansas was naturally and by original right slave territory easily prevailed. But the proposal at the same time to admit Missouri as a state started the fierce controversy over the slavery question, which to leading statesmen even then seemed destined to end in disruption of the Union, and war, and which were postponed merely by the three great compromises — the last being the Nebraska bill.

Missouri became the storm center, partially because it was further north, and therefore less logically or naturally slave territory than Arkansas, and partially because the proposed dedication of the state to slavery by constitutional provision would be final.

The lower house of the First Congress resolved, after thorough debate, that Congress

¹ *Annals of Congress*, vol. 2, p. 1473.

² Rhodes, *History of the United States*, vol. i, p. 29.

³ Schouler, *History of the United States*, vol. ii, p. 66.

⁴ Rhodes, *History of the United States*, vol. i, p. 27.

had no power to interfere with slavery in the states, and the North faithfully adhered to this decision.¹ The prompt and almost unanimous passage of the act prohibiting the importation of slaves after January 1, 1808, the time when the constitutional limitation would expire, seemed to end the slavery question, and "the abolition societies which existed in all of the states as far south as Virginia died out; it seemed as if their occupation was gone."²

There was a growing conviction that slavery was in a decline,³ and Jefferson and Madison proposed and hoped to colonize the slaves of Virginia in Sierre Leone. But when the Missouri question came up, the cotton gin and the fugitive slave law — brought forth in the same year — had been at work, gradually changing commercial conditions and moral attitudes, for twenty-five years.

From the time of the invention of the cotton gin till slavery agitation culminated in secession in 1860 the production of cotton increased a thousand fold. In 1860 its total product was twelve times that of sugar and thirty-five times that of rice; and to the raising of cotton it was believed that slave labor was indispensable. "Cotton fostered slavery; slavery was the cause of the war between the states. That slavery is a blessing and cotton is king were associated ideas with which the southern mind was imbued before the war. On the floor of the Senate it was declared that cotton had vanquished all powers, and that its supremacy could no longer be doubted."⁴

Thus the slavery issue was as selfishly sectional and commercial as the tariff issue, which

precipitated nullification in 1832 and has kept the country in a state of sectional embroilment ever since. Previous to the war political policies were controlled by the Northeast and the South. The Northeast was adapted to manufacturing, for which slave labor was unfit, and so the Northeast eschewed slavery and chose a tariff subsidy instead. The South believed that it could only raise the raw material for which slave labor was essential, and so refused to pay New England's tariff subsidy, and clung to slavery. The same immoral principle in kind was involved in both policies, but it differed in degree, and to the disadvantage of the South; and on this point the Northwest, holding the balance of power, sided with the Northeast, and the South was loser. It was insisted also that the growth of slavery was inherently essential to its life and, in turn, demanded its territorial expansion. To further this end, in the Missouri controversy Clay contended that this spreading policy was philanthropic and would mitigate the evils of crowded confinement within the old states, and Jefferson, in his anxiety to ameliorate the condition of the slaves, since he now despaired of the practicability of abolishing slavery, lent his approval to this theory of dilution.⁵

In 1820 Missouri had a free population of fifty-six thousand and ten thousand slaves. In those days at least no odium of being dedicated to commercialism attached to New York, for she furnished the leaders in this first great anti-slavery battle — Tallmadge and Taylor in the House and Rufus King in the Senate. To illustrate so momentous an event possibly Schouler's partial rhetoric is not too highly colored. Referring to Tallmadge's advocacy of the restriction amendment to the Missouri enabling act, which he had offered, the historian says:

His torch kindled this great conflagration. A young man of seemingly frail health, but of burning eloquence and seemingly deep con-

viction, his national service was limited to a single term . . . for he declined a reëlection. His crowded hour here was one of glorious life; he blew one loud, shivering blast and then passed out to be heard no more.⁶

But this panegyric is faulty in its implication that the North was the aggressor in the Missouri struggle; and the contrary contention has been urged by the highest authority: "In that section (the North) the status of slavery had long been regarded as settled. No one supposed for a moment that another slave state would ever come into the Union."⁷ "The Missouri compromise was a southern measure. Its passage was considered at the time as in the interests of the South, for it gained immediately a slave state in Missouri, and by implication another in Arkansas, while the settlement of the northern portion of the territory was looked upon as remote."⁸

On the other hand, as late as 1836, John Quincy Adams, a stout and consistent opponent of the expansion of slavery, in advocating the admission of Arkansas as a slave state, quoted the Louisiana treaty, which provided that the inhabitants were to be "incorporated in the Union and admitted as soon as possible to enjoy all the rights, advantages, and immunities of the United States." And he held that, "As congress have not the power to abolish slavery in the original states of the Union, they are equally destitute of power in those parts of the territories ceded by France to the United States by the name of Louisiana, where slavery existed at the time of the acquisition." And Mr. Adams also said that he had favored the admission of Missouri on this ground, though he also favored the restriction of the Compromise as to the rest of the territory.

But there is no doubt that the conflict which began over the Missouri question was irrepressible, and a few statesmen at least so interpreted and feared it. From Jefferson in his retirement at Monticello came the cry that it was "the knell of the Union"; and Clay lamented that "the words civil war and disunion are uttered almost without emotion." It was in the very nature of things that the North should stand against the aggressive

⁵ *Writings of Jefferson*, vol. 10, p. 158.

⁶ Schouler, *History of the United States*, vol. iii, p. 103.

⁷ McMaster, *History of the People of the United States*, vol. iv, p. 576.

⁸ Rhodes, *History of the United States*, vol. i, p. 37.

expansion spirit of the South; and now that the northern obstructionists had outgrown the determined propagators of slavery, outnumbering them in the House of Representatives by twenty-nine members, the obstruction was the more exasperating. Tallmadge's amendment passed the House by eighty-seven to seventy-six, notwithstanding the great adverse influence of Clay who was then speaker; but it was lost in the Senate, and the bill for the time was dead. The bill for admitting Missouri as a slave state was passed March 6, 1820. The three points of the Compromise were as follows: (1) The Senate should consent to the division of the bill for the admission of both Maine and Missouri; (2) the House should yield on the restriction of slavery in Missouri; (3) both houses should consent to the admission of Missouri with slavery, but forever restrict it from all the Louisiana territory north of the parallel 36° 30' — the extension of the southern boundary of Missouri. John Randolph dubbed the fifteen northern members who voted against the restriction of slavery in Missouri "dough faces," and the epithet stuck to them and their kind till the death of the slavery question. Every member of Monroe's cabinet answered yes to his question whether Congress had the constitutional power to prohibit slavery in the territories. John Quincy Adams thought that this power extended to statehood as well, while Crawford, Calhoun, and Wirt thought it was limited to the territorial status alone. This difference was portentous of trouble to come.

The constitution offered by Missouri forbade the state legislature to interfere with slavery, and required it to pass laws prohibiting free colored people from settling in the state. The anti-slavery element in the House was of course opposed to these provisions, and it seemed as if the whole question would be reopened. But in 1821 Clay succeeded in smoothing over the difficulty by a stipulation that the Missouri legislature assent to a condition that the exclusion clause of the consti-

tution should never be construed to authorize the passage of any law, and that no law should ever be passed, by which a citizen of any state should be deprived of any privileges and immunities to which he was entitled under the Constitution of the United States. The legislature coupled to its assent to this fundamental condition the ungracious declaration that it was an invalid requirement and not binding upon the state. But the restive territory at last came into the Union by the proclamation of the president, August 10, 1821.

The second great slavery compromise took place in 1850, and the controversy which it temporarily settled arose directly out of the question of territorial organization for New Mexico and Utah. This portion of the country had been acquired by the Mexican war and therefore was outside of the Louisiana Purchase, and so appertains to our subject only as it leads up directly to the Nebraska bill. The first contest over the expansion of our territory arose out of the determination of the pro-slavery element to annex Texas. Webster and Clay, the great Whig leaders, and the Van Buren element of the Democracy were opposed to annexation. Van Buren lost renomination for the presidency through his opposition, and Clay, alarmed at the power and determination of the South, lost the election to Polk by retreating from his positive ground and attempting to get on both sides. The annexation of Texas was chiefly due to Calhoun, Tyler's secretary of state, and he boldly advocated it on the ground that it was necessary to the preservation of slavery.⁹ Under Polk the Democratic party, for the first time, was in the hands of the Southern element and committed to the now aggressive policy of slavery extension, and under this policy war with Mexico was deliberately provoked, and the annexation of the vast territory between the Louisiana Purchase and the Pacific ocean brought about. The great northern leaders opposed this acquisition — or "robbery of realm," as Channing put it. Webster based his opposition ostensibly on the general principle of non-expansion. In a speech before the Whig state convention at

⁹ Cox, *Three Decades of Federal Legislation*, p. 46.

Boston, September 29, 1847, he denounced the war as unnecessary and therefore unjustifiable.¹⁰

I should deprecate any great extension of our domains. . . . I think that thus far we have a sort of identity and similarity of character that holds us together pretty well. . . . I do not know how we can preserve that feeling of common country if we extend it to California. . . . I say at once that unless the president of the United States shall make out a case that the war is not prosecuted for the purpose of acquisition of dominion, for no purpose not connected directly with the safety of the union, then they (the whig house of representatives) ought not to grant any further supplies.¹¹

To what a truly "little American" must such sentiments reduce the "god-like Webster" in the eyes of the present-day expansionist! But slavery extension was firmly in the saddle and only to be unhorsed by the shock of war. Calhoun boldly brushed aside his assent in Monroe's cabinet to the constitutionality and binding force of the restriction of slavery in the territories by the Missouri Compromise, which the tell-tale diary of John Quincy Adams has disclosed, and insisted that as soon as the treaty with Mexico was ratified the sovereignty of Mexico became extinct and that of the United States was substituted, "carrying with it the Constitution with its overriding control over all the laws and institutions of Mexico inconsistent with it."¹² The continuation of slavery in Arkansas and Missouri had been defended on constitutional ground because it existed there under Spanish and French law at the time of the cession. By parity of reasoning, therefore, slavery should not be extended into the newly acquired Mexican territory because it had been formally abolished throughout the Mexican domains by the Mexican government. But with Calhoun necessity was a prolific mother of invention.

Webster in his speech on the admission of Oregon as a free state, August 12, 1848, reminded the South that already five slave

states had been admitted from territory not contemplated when the Constitution was formed, and since slave labor and free labor could not exist together the inequality would be on the side of the North in northern territory. He pointed out, in opposition to Calhoun's sweeping doctrine, that slavery rested on purely local law and was against natural law. Under the Roman law and the law of all mankind a person was presumed to be free till it was proven that he was a slave. But his most important proposition was this:

Congress has full power over the subject. It may establish any such government, and any such laws in the territories as in its discretion it may see fit. It is subject of course to the rules of justice and propriety; but it is under no constitutional restraints.¹³

Calhoun, who, when the question of the territorial organization of New Mexico and Utah arose, had come to be representative of the South, demanded equal rights for slavery in the newly acquired territory, actual return of fugitive slaves, and that agitation of the slave question should cease. The New Mexico and Utah bill was a compromise with the first demand in providing that when these territories came to be admitted as states they should come in with or without slavery as their constitutions might prescribe; yet yielded to the second demand by greatly strengthening the fugitive slave law; and as to the third demand — that was beyond the power or reach of any human agency. The compromise of 1850, then, led the way directly to the third and last compromise of the slavery extension question — the Kansas-Nebraska bill. It was a natural, if not an easy step, for "squatter sovereignty" from this outside territory where it had been enthroned over into the jurisdiction of the Missouri Compromise. The alignment of parties, or rather of sections, on the slavery extension question at this time is shown by the vote for the admission of California as a free state. The ayes were composed of fifteen northern democrats, eleven northern whigs, four southern whigs, and Salmon P. Chase, John P. Hale, Thomas H. Benton, and Houston of Texas. The nays were all from slave states, and all democrats but three. The

¹⁰ *Niles' Register*, vol. 73, p. 104.

¹¹ *Ibid.*, vol. 73, p. 106.

¹² *Ibid.*, vol. 74, p. 61.

¹³ Webster's *Works*, vol. v, p. 311.

questions of the compromise were, the organization of the territories of New Mexico and Utah without the Wilmot Proviso, that is, without any restriction as to slavery, the admission of California as a free state, the abolition of the slave trade in the District of Columbia, adjustment of the Texas boundary dispute, and strengthening of the fugitive slave law. There has never been an array of giants in debate in Congress equal to those who discussed the compromise of 1850. Among its supporters were Webster, Clay, Cass, and Douglas; and among its opponents, Calhoun, Seward, Chase, Hale, Benton, and Jefferson Davis. Calhoun's speech in opposition was his last in the Senate, and he died before the bill finally passed. It was the last struggle also of Clay and Webster. Clay died in 1852, two weeks after the Whig convention had set him aside for General Scott as the candidate for president, and Webster died four months later "the victim of personal disappointment."¹⁴

STEPHEN A. DOUGLAS. The slavery question, which had been twice compromised with such futility, in 1820 and 1850, was more acute than ever in the contest over the Nebraska bill, and was so fitly characterized by Seward as the "irrepressible conflict." The death of Webster, Clay, and Calhoun left Douglas easily in the ascendancy as leader and effective debater.

His blue eyes and dark, abundant hair heightened the physical charm of boyishness; his virile movements, his face, heavy-browed, round and strong, and his well-formed, extraordinarily large head gave him the aspect of intellectual power. He had a truly Napoleon trick of attaching men to his fortunes. He was a born leader beyond question.¹⁵

This commanding physical equipment was completed by his firm, rich, and powerful voice. Douglas certainly strongly resembled Napoleon in his boldness and brilliancy in giving battle and his wonderful successes; and in his tragical personal defeat, which was the

concomitant of his brilliant victory in the Kansas-Nebraska campaign, there is a strong reminder of Waterloo. Douglas was the pioneer projector of a territorial organization for Nebraska. As early as 1844 he introduced a bill in the House of Representatives "to establish the territory of Nebraska," which was read twice and referred to the committee on territories from which it was not reported.¹⁶ In March, 1848, he introduced a bill of the same purport which was recommitted on his own motion in the following December, and, like its predecessor in the House, was pigeonholed by the committee.¹⁷

The boundaries of the proposed territory in the bill of 1844 were as follows:

Commencing at the junction of the Kansas with the Missouri river; thence following the channel of the Missouri river to its confluence with the Qui Court, or Running Water river; thence following up the latter river to the 43d degree of north latitude; thence due west to the summit of the grand chain of the Rocky mountains; thence due south to the 42d degree of latitude; thence pursuing the line agreed upon between Spain and the United States, February 22, 1819, as the boundary between the territories of the two countries, to the 100th degree of longitude west from Greenwich; thence following the course of the Arkansas river until it intersects the 38th parallel of latitude at a point east of the 98th degree of longitude; thence due east on the 38th parallel to the boundary line of the state of Missouri; thence north on the said boundary line of the state of Missouri to the place of beginning.¹⁸

Following are the boundaries of the bill of 1848:

Commencing at a point in the Missouri river where the 40th parallel of north latitude crosses said river; thence following up the main channel of said river to the 43d parallel of north latitude; thence west on said parallel to the summit of the Rocky mountains; thence due south to the 40th parallel of north latitude; thence east on said parallel to the place of beginning.

Why Douglas should have projected these measures so much before their time, or, to put it another way, why so forceful a member as Douglas should have done so little with them has been superficially regarded as inex-

¹⁴ Schouler, *History of the United States*, vol. v, p. 246.

¹⁵ *Stephen A. Douglas* (Brown), *Riverside Biographical Series*, p. 21.

¹⁶ *Cong. Globe*, 2d sess., 28th Cong., p. 41.

¹⁷ *Ibid.*, 2d sess., 30th Cong., pp. 1, 68.

¹⁸ These boundaries are from the original bills on file at Washington, and never before published.

plicable except by the assumption that from the first his motive was to further the scheme of the South for the extension of slavery. But inspiring the origin and running through the entire long campaign for the organization of Nebraska we find the strong and steady purpose of commercial enterprise. Chicago, where Douglas lived, was already the potential base of northwestern commercial conquest and development. In 1844 the state of Illinois was already well settled, and the territory of Iowa had become important in population as well as promise. The quick eye of business interest already saw that the Missouri river would soon be the terminus of railway lines leading from Chicago. Whitney had come home from Europe in 1844 enthusiastic in the conviction of the need and practicability of a railway to the Pacific, and as early as January, 1845, he memorialized both houses of Congress in favor of such a project, and from that time on the national legislature was bombarded with influences in its favor. The representatives in Congress from Illinois and Iowa could now see the importance of making the most of this border territory. Douglas, as chairman of the committee on territories, was the natural agent and spokesman for these interests. He afterward explained his seemingly premature action in introducing the organization bill of 1844 by saying that he served it on secretary of war as a notice that he must not locate any more Indians there, and by repeating this notice he prevented action for ten years.¹⁹ He said also that the Atlantic states opposed opening Nebraska to settlement out of jealousy, and that both political parties had the power to defeat the Kansas-Nebraska bill by making new Indian treaties, and "I was afraid of letting that slip."

In December, 1851, Willard P. Hall, member of the House from Missouri, gave notice of a bill for the same purpose,²⁰ and although Missouri statesmen favored the organization of the territory on their western border at the earliest time, and Mr. Hall actively supported

the successful measure in 1854, his own bill seems to have perished by neglect. Mr. Hall also introduced a bill for the organization of the territory of the Platte on the 13th of December, 1852,²¹ but it was never reported from the committee. The introduction of a bill by this leading member of the lower house from Missouri so shortly before the completion of the Kansas-Nebraska bill, and which made no reference to slavery or the repeal of the Compromise, illustrates the indifference to that question then existing in that state, and also the complete dominance in the public mind of



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the name Nebraska, or its French substitute, for the country in question.

From the time the region of the Platte valley became known to white men till it was politically divided by the Kansas-Nebraska act, the name of its principal river was applied, roughly speaking, to the country between the water-shed of the Platte and Arkansas rivers on the south and the 43d parallel on the north, the Missouri river on the east, and the Rocky mountains on the west. It was "the Nebraska country."

¹⁹ *Constitutional and Party Questions*, J. M. Cutts, pp. 90-92, inclusive.

²⁰ *Cong. Globe*, vol. 24, pt. 1, p. 80.

²¹ *Ibid.*, vol. 26, p. 47.

THE RICHARDSON BILL. On February 2, 1853, William A. Richardson, member of the House from Illinois, and who, after the death of Douglas in 1861, was elected to fill a portion of his unexpired senatorial term, introduced house bill No. 353, "to organize the territory of Nebraska."²² This bill, which made no reference to slavery, passed the house February 10, 1853, by a vote of 98 to 43. The northern boundary of the territory described in this bill was the 43d parallel, the present boundary of Nebraska on that side, its eastern limit was the west line of Missouri and Iowa, its southern, the territory of New Mexico and the parallel of 36° 30', and its western, the summit of the Rocky mountains.²³ The bill underwent an extended and spirited debate which throws an interesting light on the condition of the territory and of politics at that time. It appears from the debate that the Indian affairs of the territory were under the jurisdiction of the superintendent at St. Louis, and that all Indians located immediately along the Missouri frontier had been removed there from their eastern habitat.²⁴ Mr. Brooks of New York objected strongly to the bill on the ground that the government had no right to take possession of the territory because the Indian title to it had not been extinguished.²⁵ In reply to this objection, Mr. Hall of Missouri, who was an ardent lieutenant of Douglas and Richardson in their enterprise, said that a tract forty miles wide and three hundred miles long, running along the border of Missouri, had been set aside for the Indians by treaty and was occupied by twelve thousand to fourteen thousand of them; a strip of about the same extent, called neutral, was not occupied; as to the rest of the territory it was in the same situation as that of Oregon, Utah, Wisconsin, Minnesota, and Iowa when they were organized. Mr. Hall said that by the act of 1834 all the territory west of the Mississippi river, except the states of Missouri and Louisiana and the territory of Arkansas,

was erected into what was called Indian territory. Under the operation of that law our people were not permitted to enter that territory at all without a license from the executive of the government or his agent. As a result the occupants were limited to about five hundred licensed persons, and yet as many as fifty or sixty thousand people passed through this country annually on the way to Oregon, California, Utah, and New Mexico, under the protection of no law, and murders and other crimes were perpetrated. If we desired to protect this travel we must organize the territory and extinguish the Indian title. When Mr. Brooks insisted that this was the first time that a territorial bill had ever been introduced to establish government over territory to which the Indian title had not been extinguished in any part and over a people who do not exist there, Phelps, Richardson, and Hall held out that the Indian title had not been extinguished in any of the territories when they were organized. Brooks persisted in his demand to know the population of the proposed territory, and Richardson replied that it was not over one thousand two hundred.

Mr. Howe (Pennsylvania) taunted Joshua Giddings on neglecting to insert the anti-slavery provision of the Ordinance of 1787 in the bill, and wanted to know if it was on account of the national party platforms of 1852, which had dodged the slavery question. Giddings retorted by reading the restriction of the Missouri Compromise and said: "This law stands perpetually, and I did not think that this act would receive any increased validity by a reenactment. . . . It is very clear that the territory included in that treaty must be forever free unless the law be repealed."

When asked by Mr. Howe if he did not remember a compromise since that time (1850), Giddings replied that it did not affect this question; and, illustrating the then temperate spirit of anti-slavery statesmen, Mr. Giddings added, "I am not in the habit of agitating these questions of slavery unless drawn into it."²⁶

When Sweetzer (Ohio) moved to strike out

²² *Cong. Globe*, vol. 26, p. 474.

²³ House Roll, 353.

²⁴ *Cong. Globe*, vol. 26, pp. 442-443.

²⁵ *Ibid.*, p. 543.

²⁶ *Ibid.*

the part of the bill which provided for the making of treaties with Indians to extinguish their title, because it was time "to let the country know that it is our policy to plunder these people; not make a mockery anew by the pretense of a treaty," Hall protested that while Sweetzer might be correct in holding that the Indians should be incorporated as citizens, yet a territory large enough for two or three large states should not be given up to ten or twelve thousand Indians. He thought a portion of the territory had been secured by treaty with the Kansas Indians, but that so far there was no controversy between the Indians and the government. Mr. Howard said that the treaty of 1825 had given the Ohio and Missouri Shawnees fifty miles square, and the Kansas Indians had also selected a tract of the same area on the Missouri river under treaty.²⁷

Howard (Texas) said the territory had 340,000 square miles and not over six hundred white people, that the bill violated treaties with eighteen tribes²⁸ who had been moved west of the Mississippi river, to whom the government had guaranteed that they should never be included in any state or territory. Monroe had begun this policy in 1825, and Jackson had matured and carried it out under the act of 1830. The Indians, he said, would be surrounded by the white men's government, which would force them to come under the jurisdiction of white men's laws or suffer their tribal organization to be destroyed. There would be no country left for other tribes east of the Rocky mountains and west of the Mississippi river. It was Great Britain's policy to concede to Indians the right to occupancy but not to the fee, while Spain conceded neither.²⁹ Hall then charged Howard with the design of settling the Comanches and other wild tribes of Texas in Nebraska territory, which would drive the overland routes from Missouri and Iowa to Texas; and he urged that,

If in course of time a great railroad should

be found necessary from this part of the continent to the shore of the Pacific, and the doctrine prevails that all the territory west of the Missouri river is to be a wilderness from this day, henceforth and forever, Texas being settled, this country will have no alternative but to make the Pacific road terminate at Galveston or some other point in Texas.

Mr. Hall insisted that Howard's argument meant that "we should never settle Nebraska at all," and that white settlement must be extended to the mountains to keep in touch with California and Oregon for the protection of the Union and of travel across the plains. He quoted from Medill, the late commissioner of Indian affairs, who urged that the Omahas, "Ottoes," and "Missourias" be moved so as to be with the Osages and "Kansas," because they were circumscribed in hunting by the Pawnees and Sioux and often attacked and murdered by the tribe last named.

The Pawnees all should be removed north of the Platte, and the Sioux of the Missouri restrained from coming south of that river, so that there would be a wide and safe passage for our Oregon emigrants and for such of those to California as may prefer to take that route, which, I am informed, will probably be the case with many.

Howard argued that we should negotiate with the Indians before violating our treaties with them by organizing a territorial government over lands which they occupied. To the objections of Clingman (North Carolina) that there were only from six hundred to nine hundred inhabitants in the proposed territory, Hall replied that it was because the law prevented a white man from settling there, "and if he does a company of dragoons will run him out." There would be thirty thousand or forty thousand people there within three or four months after there was a territorial organization to protect them. The southern line went down to 36° 30', he explained, because the route from Missouri to New Mexico crossed that line, and that travel must be protected.

Sutherland (New York), imbued with the characteristic spirit of the Northeast, and especially of New England, in relation to western expansion, argued that it was bad policy to

²⁷ *Cong. Globc*, vol. 26, p. 544.

²⁸ *Ibid.*, p. 556, for names of tribes.

²⁹ *Ibid.*, p. 558.

take in more lands and encourage emigration from the states which were still so largely unoccupied. The eleven landed states, as he called them, of Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Mississippi, Missouri, and Wisconsin, had 137,000,000 acres of unimproved lands in the hands of private owners and 200,000,000 acres of public lands. Richardson retorted that this was the argument of Fisher Ames over again, and charged the eastern members with fear of opening the better lands of the West in competition with their own. He thought the best way was to give the people a chance to make their own choice.

The Senate committee on territories was composed of Douglas, Johnson of Arkansas, Jones of Iowa, Houston³⁰ of Texas, democrats, and Bell and Everett, whigs. Douglas dominated the committee. The three members last named were opposed to the Nebraska bill. On the 17th of February Douglas reported the bill as it came from the House without amendment, and March 2d he tried to get it up for consideration, and complained that for two years the Senate had refused to hear a territorial bill. Rusk of Texas bitterly opposed the bill, and said that its passage would "drive the Indians back on us," and it failed of consideration by a vote of twenty to twenty-five, all but five of those opposed—including two from Delaware—being of the South. Of the southern senators, only the two from Missouri favored the bill.³¹

Senator Atchison's remarks on the 3d of March are notable as a remarkable contribution to the theory of the inviolability of the Missouri Compromise, and also as being the only serious reference in the whole debate to the slavery question. In the early part of the session he had seen two objections to the bill, namely, the fact that the title of the Indians had not been extinguished and the Missouri Compromise. It was very clear to him that the law of Congress passed when Missouri was admitted into the Union, excluding slav-

ery from the territory of Louisiana north of 36° 30', would be enforced in that territory unless it was specially rescinded, and, whether constitutional or not, would do its work, and that work would preclude slaveholders from going into that territory. But when he came to look into the question he saw no prospect of the repeal of the Missouri Compromise. But for this he would oppose organization of the territory unless his constituency and all people of the South could go into it carrying their slaves with them. But he had no hope that the restriction would ever be repealed. The first great error in the political history of the country was the Ordinance of 1787, making the Northwest territory free; the second was the Missouri Compromise. He did not like the competition in agriculture with his own state which would follow the organization of the territory, but population would go into every habitable part of the territory in a very few years in defiance of the government, so it might as well be let in now.³²

Houston made a flamboyant speech against the bill, entirely devoted to the wrongs of the Indians which its passage would involve, and Bell (Tennessee) spoke along the same line, and urged that there was no necessity for territorial organization.³³ Douglas closed the debate showing that the provisions of the bill did not include the land of any Indian tribe without their consent (it had been so amended in the House), and he said, "It is an act very dear to my heart." He had presented a bill eight years before in the House and had been pressing it ever since. But on the 3d of March the motion to take up the bill was laid on the table by a vote of twenty-three to seventeen, and it was never revived in that form.

The debate, especially that of the House, discloses that the border states north and south were fighting for advantage in the traffic to the Pacific coast and in the location of the then somewhat dimly prospective Pacific railway. This real objection to the measure on the part of the southern states seems to have been largely veiled by an ostensibly very philanthropic regard for the fate of the Indian;

³⁰ General Sam Houston, the hero of San Jacinto.

³¹ *Cong. Globe*, vol. 26, p. 1020.

³² *Ibid.*, p. 1113.

³³ *Ibid.*, p. 1115.

but it seems scarcely possible that finesse could have been so adroitly spun and spread so far as to have concealed the consideration of the admission of more free territory as the real objection on the part of the South. On the other hand, the prompt report which Douglas made from his committee early in the next session of Congress, recommending the squatter sovereignty compromise, indicates that he had discovered not only that the South, in part at least, had decided to press the slavery objection, but the way to meet it—unless indeed this compromise was a gratuitous sop thrown to the South as a bid for its favor to his political fortunes. In a speech at Atchison during the vacation, September 24, 1854, Senator Atchison, in a bibulous burst of confidence, said that he had forced Douglas to change his tactics and adopt the compromise.³⁴ While this claim shames the wily senator's frank disclaimer at the last session, alluded to above, it is entirely consistent with his leadership in the subsequent attempt to make the most of the compromise by forcing Kansas into the Union as a slave state.

At a meeting, in Platte county, Missouri, Atchison spoke in the same vein. The sentiment and determination of the western border Missourians whom he represented were expressed in the following declaration: "Resolved, that if the territory shall be opened to settlement we pledge ourselves to each other to extend the institutions of Missouri over the territory, at whatever cost of blood or treasure." There was a very large slave population in these border counties, amounting, it is said, to as many as seventeen thousand, and the fears freely expressed by Atchison and others that this property, and so the system under which it was held, would be seriously menaced if the immediately adjoining territory of Kansas should be made free, were no doubt well founded. And yet solicitude about this matter seems to have been confined to a few,

and there is evidence that indifference was the rule rather than the exception. This is illustrated by the fact that the members of the House of Representatives from Missouri left it to the members of Congress of Iowa to insist on the division of the territory.

The sweeping dictum that "Douglas was a man of too much independence to suffer the dictation of Atchison, Toombs, or Stephens,"³⁵ is rather beside the question, and it seems to be virtually contradicted by its author when he shows how readily Douglas yielded to the radical and momentous amendment of Dixon, a lesser man than either of the three above named, for the total repeal of the Missouri restriction, when Douglas spoke "in an earnest and touching manner," so that "it was a pretty comedy. The words of Douglas were those of a self-denying patriot, and not those of a man who was sacrificing the peace of his country, and, as it turned out, the success of his party, to his own personal ambition."

Early in the session of the next Congress, December 14, 1853, Senator Dodge of Iowa, apparently acting in concert with the committee on territories of which Douglas was chairman, introduced a bill to organize the territory of Nebraska which should comprise "all that part of the territory of the United States included between the summit of the Rocky mountains on the west, the states of Missouri and Iowa on the east, the 43° 30' of north latitude on the north, and the territory of New Mexico and the parallel of 36° 30' north latitude on the south."³⁶ This bill contained no reference to slavery. "The simple bill which Dodge introduced has undergone very important changes," said Chase, in asking for more time to consider the committee's substitute.³⁷

THE DODGE BILL. On the 4th of January following, the committee on territories, through Douglas, reported the bill of Dodge in the form of a substitute, in which the proposed territory embraced all of the Louisiana Purchase lying north of latitude 36° 30', except the states of Iowa and Missouri and that part of the territory of Minnesota which lay between the Mississippi river on the east and the northern boundary of Iowa and the Missouri and

³⁴ Rhodes, *History of the United States*, vol. i, p. 431.

³⁵ Rhodes, *History of the United States*, vol. i, p. 432.

³⁶ Senate bill No. 22, 1853.

³⁷ *Cong. Globe*, vol. 28, pt. 1, p. 239.

White Earth rivers on the south and west; and Fort Leavenworth, then a military station, was designated as the capital.³⁸ A leading historian commits the error of including within this proposed territory of Nebraska the area now comprised in the states of Kansas, Nebraska, the Dakotas, Montana, and part of Colorado and Wyoming, which "contained 485,000 square miles, a territory larger by thirty-three thousand square miles than all the free states in the Union east of the Rocky mountains."³⁹ That larger part of the Dakotas lying east of the Missouri, however, belonged to Minnesota, and a corner of Wyoming was not included in "the purchase." But the area in square miles as given is approximately correct.

The committee's bill contained the compromise provision of the Utah and New Mexico bills, that the territory of Nebraska or any portion of the same when admitted as a state or states "shall be received into the Union with or without slavery as their constitution may prescribe at the time of their admission." Accompanying this bill was a formal report in which Douglas explained why the provisions relating to slavery were inserted. He points out that "eminent statesmen hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the territories, and that therefore the eighth section of the Missouri Compromise is null and void"; while "the prevailing sentiment in large sections of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the territories with his property of whatever kind and description and to hold and enjoy the same under the sanction of law. . . . Under this section, as in the case of the Mexican law in New Mex-

ico and Utah, it is a disputed point whether slavery is prohibited in the new country by valid enactment. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then (1850), either by affirming or repealing the Mexican laws or by an act declaratory of the true intent of the constitution and the extent of the protection afforded by it to slave property in the territories, your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the constitution in respect to the legal points in dispute."⁴⁰

After the bill was reported it was amended by the addition of the concluding part of the committee's report, which was declaratory of the meaning of the compromise of 1850, as follows:

First.—That all questions pertaining to slavery in the territories and the new states to be formed therefrom, are to be left to the decision of the people residing therein, by their appropriate representatives, to be chosen by them for that purpose.

Second—That "all cases involving title to slaves" and "questions of personal freedom" are to be referred to the jurisdiction of the local tribunals, with the right of appeal to the supreme court of the United States.

Third—That the provision of the constitution of the United States in respect to fugitives from service is to be carried into faithful execution in all "the organized territories" the same as in the states.

On the 16th day of January Dixon of Kentucky fortified the indirect setting aside of the Missouri Compromise by the popular sovereignty provision of the bill by moving an amendment explicitly repealing the anti-slavery clause of the compromise. If it is true that "the Senate was astonished and Douglas was startled"⁴¹ their emotions must have been due to being brought face to face with the spectacular plainness of the meaning of the indirect repeal already incorporated in the bill. The popular sovereignty clause of the Nebraska bill was absolutely inconsistent with the Missouri restriction and applied to all the

³⁸ *Cong. Globe*, vol. 28, pt. 1, p. 222.

³⁹ Rhodes, *History of the United States*, vol. i, p. 426. There are also two material errors in the description of the boundaries of the territories of Nebraska and Kansas in p. 222, pt. 1, vol. 28, *Cong. Globe*. The boundaries given in the bills here referred to have been obtained by examination of the bills on file in the capitol at Washington, as none of them, excepting the last one, which passed, were officially published.

⁴⁰ Senate reports, 1st sess., 33d Cong., no. 15.

⁴¹ Rhodes, *History of the United States*, vol. i, p. 433.

territory affected by it except the part of the Dakotas lying east of the Missouri river, and which would be hopelessly anti-slavery under the popular choice. Moreover, this very area had been embraced in the territory of Wisconsin by the act of 1836, in which was incorporated the slavery interdiction of the Ordinance of 1787; and this interdiction seems to have been passed on when the territory fell to Minnesota in 1849, where it remained when the Missouri Compromise was repealed by the Kansas-Nebraska act. It seems still less accurate, or still more misleading, in the attempt to exaggerate the importance of the formal repeal of the Missouri Compromise, to say, touching Douglas's 4th of January bill, that, "The South was insulted by the pretense of legalizing slavery in territory already by the Missouri Compromise preëmpted for freedom";⁴² for the report of Douglas "closed with a proposition which certainly set it (the compromise) aside";⁴³ and this very proposition was appended to the 4th of January bill.

Nor is the ground for the statement that, "So long as the Missouri Compromise remained the law of the land slavery could have no legal recognition in Nebraska while it was yet a territory" discoverable; for the 4th of January bill provided, as we have seen, "That all questions pertaining to slavery in the territories . . . are to be left to the decision of the people residing therein." Eastern writers seem to have conceived it to be an *a priori* virtue to be offended at the virile strenuousness of this remarkable western leader and they seem to write under the compulsion of arriving at the conclusion that "in the view of Douglas moral ideas had no place in politics."⁴⁴ For the great part which Clay played in the compromise of 1850 there is a palliation where there is not praise, and we are told that

it is probable that "the matured historical view will be that Webster's position as to the application of the Wilmot Proviso was statesmanship of the highest order." Though Clay, like Webster, was a constant candidate for the presidency and bore a potent part in the two great compromises with slavery aggression, which were bitterly assailed by anti-slavery sentiment, he is awarded the meed of patriotic motive and achievement, while the similar action of Douglas is written down as a mere "bid for southern support in the next democratic convention."⁴⁵ By a sort of pneumatic method he is summarily rejected from the company of respectable statesmen, or politicians even, with the brand of "Stephen Arnold Douglas — with accent on that second name."⁴⁶

This last is a good example of the overworking of a bias, a predilection, or a tortured emotion which one almost expects of the author. Another historian is fairer in describing the great 3d of March speech:

The appearance of Douglas was striking, Though very short in stature, he had an enormous head, and when he arose to take arms against a sea of troubles which opposed him, he was the very picture of intellectual force. Always a splendid fighter, he seemed this night like a gladiator who contended against great odds; for while he was backed by thirty-seven senators, among his opponents were the ablest men of the senate, and their arguments must be answered if he expected to ride out the storm which had been raised against him. Never in the United States, in the arena of debates had a bad cause been more splendidly advocated; never more effectively was the worse made to appear the better reason.⁴⁷

KANSAS-NEBRASKA BILL. These estimates of the author of Nebraska's political beginning by standard historians of today, seem pertinent here as affording the latest and thus far the best view of his character and of his motives in the prologue to the great national tragedy which followed the Nebraska contest. But they also indicate that a remove of a single generation from the culminating scenes of the struggle over slavery does not serve entirely to separate the northern writer from northern prejudice and partisanship. The serious charge against Douglas is that he initiated the

⁴² Macy, *Political Parties in the United States*, p. 189.

⁴³ Rhodes, *History of the United States*, vol. i, p. 428.

⁴⁴ *Ibid.*, vol. i, p. 431.

⁴⁵ *Ibid.*, p. 430.

⁴⁶ Schouler, *History of the United States*, vol. v, p. 285.

⁴⁷ Rhodes, *History of the United States*, vol. i, p. 471.

Nebraska bill, which grew into the Kansas-Nebraska act, including the repeal of the Missouri Compromise, of his own volition, and, by so doing, to ingratiate himself with the South for the selfish furtherance of his presidential ambition, he deliberately disturbed the repose which had been established by the compromise

lead and pressed what he saw was a necessary concession as a positive measure of his own. Moreover, the debate shows that the question whether Douglas acted in bad faith in reference to the Missouri Compromise at least remained an open one, and with the technical or formal advantage with Douglas. In his



Engraving from a photograph owned by the Nebraska State Historical Society

WILLIAM WALKER AT THE AGE OF 33
Provisional governor of the proposed territory of Nebraska, 1853

of 1850, and which President Pierce had promised in his late message should "suffer no shock during my official term, if I have power to prevent it." There is much reason for believing that Douglas was aware that southern politicians would press for adherence to the principles of the latest compromise, and that, instead of accepting it in the way of a compromise, as Clay or Webber would have done, at an earlier time, by his imperious method he took the

speech in the Senate, February 29, 1860, he said:

It was the defeat in the House of Representatives of the enactment of the bill to extend the Missouri Compromise to the Pacific ocean, after it had passed the Senate on my own motion, that opened the controversy of 1850, which was terminated by the adoption of the measures of that year. . . Both parties in 1852 pledged themselves to abide by that principle, and and thus stood pledged not to

prohibit slavery in the territories. The whig party affirmed that pledge and so did the democracy. In 1854 we only carried out, in the Kansas-Nebraska act, the same principle that had been affirmed in the compromise measures of 1850. I repeat that their resistance to carrying out in good faith the settlement of 1820, their defeat of the bill for extending it to the Pacific ocean, was the sole cause of the agitation of 1850, and gave rise to the necessity of establishing the principle of non-intervention by congress with slavery in the territories.

And in his famous speech of March 3, 1854, he silenced Chase and Seward on his point by showing that, after the Missouri compact of 1820 was made, the northern vote in Congress still kept that state out of the Union and forced Mr. Clay's new conditions of 1821; that a like northern vote was recorded against admitting Arkansas with slavery in 1836, and that the legislature of Mr. Seward's state (New York), after the Missouri act of 1820, had instructed her members of Congress to vote against the admission of any territory as a state with slavery.

Mr. Douglas at least went far toward establishing the consistency of his action in 1854 by quoting from his speech in Chicago in 1850: "These measures (of 1850) are predicated on the great fundamental principle that every people ought to possess the right of regulating their own internal concerns and domestic institutions in their own way."

It was conceded on both sides that the states had the absolute power to adopt or reject slavery by provisions in their constitutions, and, as Douglas points out, it was inconsistent to deny this principle to the territories: "These things are all confided by the constitution to each state to decide for itself, and I know of no reason why the same principle should not be confided to the territories."

A severe critic of Douglas's selfish subserviency in the Nebraska affair admits that,

Probably he had at first no more intention of actually enlarging the arena of slavery than had Daniel Webster in laboring to remove the legal restriction from the territory of Utah. Northern free labor was moving westward, as he knew, by leaps and bounds. It was not likely that slavery would ever gain any foot-

hold in the region between the Rocky mountains and the states of Minnesota, Iowa and Missouri. Douglas no doubt sought to further his presidential prospects without making any actual change in the practical situation respecting slavery extension.

But what more or less could be said of Clay, Webster, or Lincoln, each of whom, while as ardently seeking to further his presidential prospects, temporized upon the slavery question? And in view of the probability, con-



ABELARD GUTHRIE

Delegate to Congress representing the proposed territory of Nebraska, 1853

firmed by the result, that slavery could not be forced upon Kansas or Nebraska, whatever might be done with the Missouri restriction, did not the course of Douglas result in a distinct gain in that, "the southerners abandoned the claim to their inherent right to take their slaves into the new territories and united—both whigs and democrats—in support of Douglas's bill"?

Furthermore, Douglas emphasized the fact that there was a grave question as to the constitutionality of the Missouri restriction; and may he not be credited with sagacity and patri-

otism in fortifying against the event of the Dred Scott decision in 1857, which confirmed his fears, by interposing his Kansas-Nebraska popular sovereignty device as a new bar to the door against slavery in the territories which that memorable decision had otherwise opened wide? For "Kansas was the only territory in which slaveholders tried to assert their rights"—that is, the constitutional right to carry slaves into the territories against attempted prohibition by Congress or its creatures, the territorial legislatures. And as it turned out, they had the best of the argument, and nothing could have hindered their design but the popular sovereignty provision of the Nebraska bill.

But this spontaneous harshness toward Douglas reaches the climax of its unreasonableness when it discovers in southern pro-slavery motives a rare nicety or moral discrimination and self-renunciation, and exalts it to contrasting heights above the groveling motives of Douglas. Thus we are told that the bill that passed the House in 1853, "being naturally objectionable to the pro-slavery politicians who still respected the Missouri Compromise, was defeated by them in the Senate." But in this bill there was no allusion to slavery, and the Compromise was not attacked. Moreover, on the final passage of the Kansas-Nebraska bill, which repealed the Compromise, only nine votes from the South—two democrats and seven whigs—could be mustered against it in the House, while forty-two democrats and forty-five whigs from the North voted against it.⁴⁸ But in one instance Douglas has been grouped with the patriots—though perhaps inadvertently. For "the ardent advocates of the compromise of 1850 were all devoted to the Union";⁴⁹ and Douglas advocated every part of the compromise.

The impartial judge of contemporary circumstances will conclude that Douglas thought and had good ground for thinking that in this

first organization of new territory since the new compromise or temporizing arrangement between the slavery and the anti-slavery element in 1850, another controversy was inevitable, and that the statement that the "new policy thus sprung so unexpectedly upon the country was the secret contrivance of a few aspiring democrats, obsequious to slavery's propaganda,"⁵⁰ is an inadequate and inconsistent explanation of the new compromise. Dixon's reason for pressing the repeal of the Missouri restriction, which it is generally admitted took Douglas by surprise, illustrates the fact that the pro-slavery leaders of the South intended to fight for a new arrangement, and the solid support which the members from the South gave to the bill makes the contention that the scheme was originated by a few politicians, and that the people of the South "had not dreamed of taking it" little less than ridiculous. Mr. Dixon stated that he never did believe in the propriety of passing the Missouri Compromise. "I never thought the great senator from Kentucky, Mr. Clay, when he advocated that measure did so because his judgment approved it. . . . And I have never thought that that measure received the sanction of his heart or of his head." He said that he proposed the amendment under the firm conviction that he was carrying out the principles settled in the compromise of 1850, and which left the whole question of slavery with the people and without any congressional interference. He had always believed that Congress had no authority over the subject of slavery in states or territories, and, therefore, that the Missouri Compromise was unconstitutional. In a colloquy with Dixon, Douglas explained that he "and some others with whom he consulted" thought that Dixon's amendment not only wiped out the legislation excluding slavery but affirmatively legislated slavery into the territory; he therefore inserted the repealing clause in his own words to avoid the affirmative force of Dixon's amendment. Abelard Guthrie, who had been elected a delegate to Congress from Nebraska, at Wyandotte, in October, 1852, writing while on his way to Washington in December, 1852, to William

⁴⁸ Rhodes, *History of the United States*, vol. i, p. 489.

⁴⁹ Macy, *Political Parties in the United States*, p. 129.

⁵⁰ Schouler, *History of the United States*, vol. v, p. 281.

Walker, provisional governor, throws light on the attitude of the pro-slavery element toward territorial organization, as follows:

I traveled in company with Senators Guyer and Atchison of Missouri and Representatives Richardson and Bissil of Illinois. I am sorry to say our Missouri senators are by no means favorable to our territorial projects. The slavery question is the cause of this opposition. I regret that it should interfere—it ought not. Mr. Atchison thinks the slaves in Nebraska are already free by the operation of the Missouri Compromise act, and asks a repeal of that act before anything shall be done for Nebraska.

In a letter to the *New York Tribune*, written August 9, 1856, Mr. Guthrie relates that he was a candidate for reelection as a delegate to Congress in 1853; but because "the repeal of the Missouri Compromise was now first agitated, and it was thought important to success that the territory should be represented by one favorable to that measure," Mr. Guthrie complains, the influence of the administration was thrown against him, and he was defeated by a large Indian vote.

The tradition and belief of the Douglas family are worthy of consideration. A son of Senator Douglas thinks that his father had become convinced that the South could and would repeal the Missouri Compromise, and he therefore set about to get the best terms he could against the further spread of slavery, and believed he had accomplished this in the formal recognition of the doctrine of popular sovereignty in lieu of the open door which the South was bent on securing.

PROVISIONAL GOVERNMENT. On the 23d day of January, 1854, Douglas presented the Kansas-Nebraska bill which passed as a substitute for the Nebraska bill of January 4th. It comprised two important additions to the old bill, which were to divide the territory into two—Kansas and Nebraska—and specifically repeal the Missouri Compromise. His own reasons for dividing the territory are as follows:

There are two delegates here who have been elected by the people of that territory. They are not legal delegates, of course, but they

have been sent here as agents. They have petitioned us to make two territories instead of one, dividing them by the 40th parallel of north latitude—the Kansas and Nebraska territories. Upon consulting with the delegates from Iowa I found that they think that their local interests as well as the interests of the territory, require that the proposed territory of Nebraska should be divided into two territories, and the people ought to have two delegates. So far as I have been able to consult with the Missouri delegates they are of the same opinion. The committee therefore have concluded to recommend the division of the territory into two territories, and also to change the boundary in the manner I have described.⁵¹



Engraving from a photograph owned by the Nebraska State Historical Society

HADLEY D. JOHNSON

First "delegate to Congress" from the unorganized territory, now known as the state of Nebraska. Elected October 11, 1853.

The change consisted in making the southern line 37° instead of 36° 30', thus avoiding division of the Cherokee country and running between that and the Osages.

The simple reasons Douglas himself gave for finally and somewhat suddenly dividing the Nebraska territory as at first proposed, into two territories, are not only consistent

⁵¹ *Cong. Globe*, vol. 28, pt. 1, p. 221.

with the circumstances but are fairly confirmed by them, and they leave no necessity for the search that has been made for hidden, mysterious, and unworthy motives. The two delegates to whom Douglas referred, as he is quoted above, were Mr. Hadley D. Johnson, who was chosen at an election held at Bellevue, October 11, 1853, and the Rev. Thomas Johnson, who was elected at Wyandotte on the same day. Mr. Hadley D. Johnson states that after consultation with citizens it was decided to advocate the organization of two territories instead of one, and that on his presentation of the case to Douglas he adopted Johnson's plan and changed the bill so as to divide Nebraska into Kansas and Nebraska. It was quite natural that the people of the northern part of the territory and of Iowa lying directly opposite, should desire the division so as to have complete control, in view of the contemplated Pacific railway, and for other commercial reasons, and Mr. Johnson states that Senator Dodge of Iowa warmly approved his plan for two territories, and took pains to introduce him to Douglas. Just as naturally, too, the people and politicians of Missouri would prefer to have the territory opposite their state, and over whose affairs they would naturally exercise much control, separated from the northern territory. The general commercial interests, as well as considerations of the slavery question, would lead them to this desire.

Contemporaries of Hadley D. Johnson now living, as well as the important part he played in the affairs of Iowa and Nebraska, testify to his high standing and the credibility his statements deserve. He was elected a member of the Iowa senate for the Council Bluffs district in 1852, was a "provisional" delegate to Congress from Nebraska in 1853, was a prominent candidate for delegate to Congress at the election of 1854, was elected territorial printer by the legislature of Nebraska in 1856, and in general was recognized as a man of affairs in those earlier years.

We have an account of a meeting of citizens of Mills county, Iowa, at Glenwood, in October, 1853. Glenwood was then the county seat of Mills county, which adjoins Potta-

wattomie, of which Council Bluffs is the county seat, on the south, and borders on the Missouri river on the west, opposite Sarpy county, Nebraska, in which Bellevue is situated. Among those who addressed this "great and enthusiastic meeting" were Hadley D. Johnson, delegate elect from Nebraska, J. L. Sharp, who was chairman of the committee on resolutions, M. H. Clark who had been chosen provisional secretary of Nebraska at the same Bellevue election which chose Johnson for delegate, and Hiram P. Bennet. Mr. Sharp became president of the first legislative council of Nebraska, and Bennet and Clark were also members of that body.

The resolutions adopted by the meeting declared that the best interests of western Iowa as well as the bordering Indian tribes would be secured by the early organization of the territory of Nebraska, and that "the boundaries indicated by Judge Douglas's bill, subserve the interests of the whole country; but if they can not be obtained we would next prefer the parallel of 39½ degrees south and 44 degrees north as the boundaries of Nebraska." This reference to the bill of Douglas "introduced some years ago," which must have meant his bill of 1848, discloses that the boundary which in the opinion of these enterprising border promoters would "best subserve the interests of the whole country" extended half a degree further south than the line that would satisfy them — to the fortieth parallel, — and fell one degree short of the boundary they proposed on the north. There is no material difference in the two boundaries in question, and perhaps the Glenwood resolutions made a mistake in their reference to Douglas's bill; but in any event they show that the men of Iowa wanted a territory, as nearly and exclusively as they could get it, opposite their own state. The proprietary regard of these Iowans for the prospective territory, the key to it, and their resolute intent to bring about territorial organization in the form suited to their ambitious purposes, are disclosed in the other resolutions of the meeting. While they "approve of an election by the citizens of Nebraska of provisional ter-

ritorial officers as well as a delegate to represent their interests in the approaching Congress," they "would not approve any measure which would retard or interfere with the early extinction of the Indian titles to all of said territory." They request their senators and representatives in Congress to use their best efforts to carry out the policy set forth in the resolutions, direct a copy to be sent to each of them and to Senator Douglas, recommend the appointment of a committee to confer with citizens of other counties touching the interests of western Iowa, and ask the *St. Mary's Gazette*, *Western Bugle*, *Chicago Democratic Press*, *Peoria Press*, and *New York Herald* to publish the proceedings of the meeting. Nor did they neglect the one subject on which all wide-awake border people in this latitude were now always harping, so they resolved, "That the valley of the Nebraska or Platte river and the South Pass is the route most clearly pointed out by the hand of nature for a world's thoroughfare, and a natural roadway for the United States, connecting the Atlantic with the Pacific."

Mr. Hadley D. Johnson states⁵² that in the month of November meetings were held at Council Bluffs which were addressed by Senator A. C. Dodge and Col. S. R. Curtis, one of the first United States Commissioners of the Union Pacific railway, "who warmly advocated the construction of our contemplated railways, and the organization of Nebraska territory." He further says:

Before starting (for Washington) a number of our citizens who took a deep interest in the organization of a territory west of Iowa had on due thought and consultation agreed upon a plan which I had formed, which was the organization of two territories instead of one as had heretofore been contemplated.

After arriving at Washington Mr. Johnson says:

Hon. A. C. Dodge,⁵³ senator from Iowa, who had from the first been an ardent friend of my plan, introduced me to Judge Douglas, to whom I unfolded my plan, and asked him

⁵² *Trans. Neb. State Hist. Soc.*, vol. ii, p. 87, *et seq.*

⁵³ Augustus C. Dodge, born January 2, 1812; died November 20, 1883.

to adopt it, which, after mature consideration, he decided to do, and he agreed that he would report a substitute for the pending bill, which he afterwards did do. . . . The Honorable Bernhart Henn, member of the house from Iowa, who was also my friend, warmly advocated our territorial scheme.

The important part which Senator Dodge played in the great national drama — or perhaps a prologue which was to be followed by the tragedy of the Civil war — aids greatly in the interpretation of its motive and meaning. Many of us of Nebraska remember him as the suave, kindly, and gracious gentleman of the old school. By virtue of his ability and experience as statesman and politician, as well as his official position, Senator Dodge represented the interests and wishes of the anti-slavery state of Iowa, which demanded the early organization of the great empire on its western border.

Indeed, until the last, when the question of the adjustment of the interests or demands of slavery became paramount, Senator Dodge might well have been regarded as the leader in the project of territorial organization rather than Douglas himself. In the terrific but short struggle at the last, when slavery was pressing its over-reaching and self-destructive demand, he preserved his independence. His democratic, anti-slaveholding spirit breaks out in his rebuke of Senator Brown of Mississippi in the course of the Kansas-Nebraska debate. Brown had defended negro slavery on the ground that it was necessary to the performance of menial labor which he referred to contemptuously as beneath white people:

There are certain menial employments which belong exclusively to the negro. Why sir, it would take you longer to find a white man in my state who would hire himself out as a boot-black or a white woman who would go to service as a chamber-maid than it took Captain Cook to sail around the world. Would any man take his boot-black, would any lady take her chamber-maid into companionship?

This spirited retort of Senator Dodge's is not that of a dough-face:

Sir, I tell the senator from Mississippi, — I speak it upon the floor of the American sen-

ate, in presence of my father [Henry Dodge of Wisconsin] who will attest its truth — that I have performed and do perform when at home, all of those menial services to which that senator referred in terms so grating to my feelings. As a general thing I saw my own wood, do all my own marketing. I never had a servant of any color to wait upon me a day in my life. I have driven teams, horses, mules and oxen, and considered myself as respectable then as I do now, or as any senator upon this floor is.⁵⁴

This incident serves also to illustrate the great change in customs and manners which has taken place in the short time since the birth of our commonwealth. This Cincinnatus — foreman of the founders of Nebraska — was yet of courtly manners, a senator of the United States, and minister to the court of Spain.

When, at last, the Kansas-Nebraska bill involved a question of vital importance to the Democratic party, Douglas, as the conceded and imperious leader of the party, overshadowed all others. But from first to last Dodge coöperated with Douglas for the organization of Nebraska. He showed that he consistently supported the popular sovereignty principle of the Nebraska measure by showing that he had advocated that principle as a solution of the still vexed slavery question in his support of the compromise measures of 1850.⁵⁵

Senator Dodge discloses clearly his reasons for desiring the division of the territory:

Originally I favored the organization of one territory; but representations from our constituents, and a more critical examination of the subject — having an eye to the systems of internal improvement which must be applied by the people of Nebraska and Kansas to develop their resources — satisfied my colleague who was a member of the committee that reported this bill, and myself, that the great interests of the whole country, and especially of my state demanded that we should support the proposition for the establishment of two territories. *Otherwise the seat of gov-*

*ernment and leading thoroughfares must have fallen south of Iowa.*⁵⁶

Though Bernhart Henn,⁵⁷ member of the lower house of Congress, lived at Fairfield, as early as June 11, 1853, he had established a land and warrant broker's office under the firm name of Henn, Williams & Co., at Council Bluffs, the residence or rendezvous of the potent promoters of the territorial organization and of Omaha City.

In a speech in the House, urging the passage of the Kansas-Nebraska bill, he discloses the objects and motives of the promoters even more clearly than Senator Dodge had done. "The bill is of more practical importance to the state of Iowa, and the people of the district I represent than to any other state or constituency in the union."⁵⁸

In answer to "the unjust charge made on this floor by several that it was the scheme of southern men, whereby one of the states to be formed out of these territories was to be a slave state" he demands: "Do they not know that the delegates sent here by the people interested in the organization of that country proposed this division?"⁵⁹

Continuing in the same strain he urges that the 40th parallel, the proposed line of division, is nearly on a line dividing the waters of the Platte and the Kansas rivers:

A line which nature has run for the boundary of states; a line that will insure to each territory a common interest, each having a rich and fertile valley for its commercial center; a line that will be of immense importance to the prosperity and commerce of Iowa; a line that will make the commercial and political center of Nebraska on a parallel with the great commercial emporiums of the Atlantic and the harbor of San Francisco. . . . The organization of two territories instead of one has advantages for the north, and for Iowa in particular, which should not be overlooked. It secures in the Platte valley one of the lines of Pacific railways by making it the center of commerce, wealth and trade. It brings to the country bordering on Iowa the seat of government for Nebraska. It at once opens up a home market for our produce. It places west of us a dense and thriving settlement. It gives to western Iowa a prominence far ahead of that which ten years ago was maintained by the towns in the eastern por-

⁵⁴ Appendix *Cong. Globe*, vol. 29, p. 376.

⁵⁵ *Ibid.*, p. 380.

⁵⁶ Appendix *Cong. Globe*, vol. 29, p. 382.

⁵⁷ Bernhart Henn, elected to Congress in 1849, serving four years.

⁵⁸ Appendix *Cong. Globe*, vol. 29, p. 885.

⁵⁹ *Ibid.*, p. 886.

tion of our state. It brings Iowa nearer to the center of power and commerce.⁶⁰

While these members of Congress from anti-slavery Iowa thus strongly urged division of the territory, those from pro-slavery Missouri merely acquiesced in the plan. In the Senate Benton opposed the passage of the bill on account of the repeal of the Compromise. Atchison took little part in the debate on the bill, but while he said that he thought slavery would go into Kansas if the Compromise should be repealed,⁶¹ it does not appear that he ever urged division.

In the House, Lindley, Miller, and Oliver discussed the measure but said nothing about division. Lindley urged that organization must precede settlement, which must precede "that great enterprise of the age, the great Pacific railroad." Miller and Oliver discussed the question of Indian cessions.

Facts thus rudely obtrude themselves as a substitute for the guessing of the historians as to the primary motive of Douglas for the division scheme, namely, subserviency to the hope and intent of the slave power to make Kansas a slave state, and they seem positively to preclude that theory. On this point there is a strong and significant concensus of northern opinion. Douglas himself expressed his belief that it would be impracticable to fix slavery upon either of the territories. In his noted speech on the 30th of January, 1854, he urged that slaves had actually been kept in the Northwest territory in spite of the prohibition of the ordinance, and that they were then kept in Nebraska in spite of the prohibition of the Missouri Compromise; but the people of all the northern territories had abolished slavery as soon as they had the local authority to do so. And so he said of Nebraska: "When settlers rush in, when labor becomes plenty and therefore cheap, in that climate, with its productions, it is worse than folly to think of its being a slaveholding country. I do not believe there is a man in Con-

gress who thinks it could be permanently a slaveholding country. I have no idea that it could. . . . When you give them a legislature you thereby confess that they are competent to exercise the powers of legislation. If they wish slavery they have a right to it. If they do not want it they will not have it, and you should not force it upon them."⁶²

Benton in his speech in bitter opposition to the Kansas-Nebraska bill said: "The question of slavery in these territories, if thrown open to a territorial action, will be a question of numbers, a question of the majority for or against slavery; and what chance would the slaveholders have in such a contest? No chance at all. The slave owners will be overwhelmed and compelled to play at a most unequal game, not only in point of numbers but in point of stakes. The slaveholder stakes his property and has to run off or lose it if outvoted at the polls."⁶³

Benton dreaded and deprecated opening anew the slavery contest by the proposed repeal of the Compromise. For the sake of peace he had promoted the clause in the constitution of Missouri prohibiting the legislature from emancipating slaves without the consent of their owners.

Senator Dodge insisted that, as touching slavery, the bill would have the effect of freeing several hundred slaves who would be taken into Kansas and Nebraska as domestic servants on the promise of freedom at some fixed time. The owners of slaves, he said, would be too timid and conservative to take them into new and unfavorable communities in larger number.⁶⁴ This theory was peculiarly confirmed in Nebraska, and doubtless would have been in Kansas after conditions had become settled there, but for the Civil war which swept slavery away entirely.

In his speech in the House, in which he urges the passage of the Kansas-Nebraska bill with all his powers, Mr. Henn argues that, "These territories will, nay must become non-slaveholding states. . . . My experience in the settlement of new countries so teaches." Emigration moves on a line south of west for the betterment of physical as well

⁶⁰ Appendix *Cong. Globe*, vol. 29, p. 886.

⁶¹ *Ibid.*, pp. 939-940.

⁶² *Cong. Globe*, vol. 28, pt. 1, p. 279.

⁶³ Appendix *Cong. Globe*, vol. 29, p. 560.

⁶⁴ *Ibid.*, p. 382.

as financial conditions. "Hence," he continues, "all of Nebraska, if not all of Kansas, will be settled by emigrants from non-slaveholding states. Three thousand of these, from free states, are now in the line of Nebraska and fifteen hundred on that of Kansas ready to step over as soon as the bill passes." A network of railways in this latitude already embraced the Mississippi and would soon reach the Missouri.⁶⁵ Without a word of testimony, unprejudiced eyes should see why commercial and political considerations, entirely independent of the slavery question, should have discovered the advantages of division to Iowa and Illinois also, and stimulated to the utmost their demand for it. Douglas was the natural mouthpiece of this sentiment by virtue of his residence in Chicago, which was vitally interested in securing the location of the Pacific railway as a direct extension of her great trunk lines to the West, and of his position as chairman of the senate committee on territories. So far from being surprising it is quite natural that these advantages of division should have appeared and been presented now, when the long-mooted question of territorial organization was at last plainly to be settled, and which quickened, and for the first time made the question of a Pacific railway practicable and imminent. This now certain prospect of the opening of the way for giving value to the bordering territory and for the most gigantic project for a commercial highway that had yet been imagined suddenly increased the importance of every local consideration or possible advantage, and resulted in the project of division for northern commercial interests and by northern commercial initiative.

Douglas had from the first striven for a northern territory. His prompt acquiescence in the proposal of division is quite explicable and consistent when coupled with the fact that his bill of 1844 provided for a territory,

⁶⁵ Appendix *Cong. Globe*, vol. 29, p. 885.

⁶⁶ Rhodes, *History of the United States*, vol. i, p. 439.

⁶⁷ Von Holst, *Constitutional History of the United States*, vol. iv, p. 323.

whose northern boundary line was identical with that of present Nebraska and whose southern line was only two degrees farther south than the dividing line between the two territories, and with the further fact that the proposed northern boundary of his bill of 1848 was that of the present state, and the southern boundary was the same as the division line between the two territories and states, namely, the 40th parallel.

But this cogent consistency of circumstance and specific human testimony must, it seems, give way to the exigencies of contrary historical authority. For we are told in no inconclusive tone and terms that,

We cannot clearly trace the ways leading up to the division of Nebraska which apparently formed no part of the original plan. Nor is the explanation of Senator Douglas sufficient. It is almost certain that if there had been no question of slavery this change would not have been made.⁶⁶

And again: "For the division of the Nebraska country had no meaning if it were not made in order to secure a part of it to slavery."⁶⁷ This author brings to the discussion of the question great ability, but a zeal that leaps the bound of fairness and reason. It certainly seems as if he has retained his powers to discredit and smirch Douglas to the utmost. This palpable predetermination naturally leads to disingenuous if not false statements. Thus, to sustain his preconception that the primary object of the organization of the Nebraska country, and especially its division into two territories, was to further the interests of the slavocracy, he insists that there were no white men in the territory, keeping back the fact that theoretically or legally there could be none since they had been interdicted by the law of Congress of 1834; and he neglects to mention the very relevant fact that the advocates of organization in Congress rightfully urged that the population would be forthcoming, and, more scrupulous than the Israelites of old, in general waited legal permission to "go up and possess the land." Organization therefore must need precede population, or else be indefinitely postponed. Douglas himself completely answered

these objections in his great 3d of March speech by correctly stating that, in spite of the formal legal prohibition there was a goodly number of white settlers within the proposed territory; that there was an immense traffic through it to the Pacific coast, now entirely unprotected, and organization was necessary on that account; and that people would inevitably invade the territory in spite of legal barriers which therefore had better be removed in response to the popular demand. The first census of Kansas taken within six months after the passage of the organic act indicates that there was already a population not far from five thousand. Douglas very plausibly if not conclusively established his contention that he at least was breaking no new ground and springing no surprise in what he re-

⁶⁸The pertinent declaration of the democratic convention was as follows: "Congress has no power under the constitution to interfere with or control the domestic institutions of the several states. . . . All efforts of the abolitionists or others to induce Congress to interfere with questions of slavery or to take incipient steps in relation thereto are calculated to lead to the most alarming and dangerous consequences. . . . Therefore the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the compromise measures settled by the last Congress." The whigs bore even more heavily upon the idea of the general principle: "The series of acts of the thirty-second Congress, the act known as the fugitive slave law included, are received and acquiesced in by the Whig party of the United States as a settlement, in principle and substance, of the dangerous and exciting questions which they embrace, and so far as they are concerned we will maintain them and insist upon their strict enforcement until time and experience shall demonstrate the necessity for further legislation." The free-soil democratic convention denounced the compromise measures of 1850 for "their omission to guarantee freedom in the free territories, and their attempt to impose unconstitutional limitations on the powers of Congress and the people who admit new states." The free-soilers, however, plainly opened the way for the repeal of the Missouri Compromise, if it were found inexpedient, by declaring, "That the doctrine that any human law is a finality and not subject to modification or repeal, is not in accordance with the creed of the founders of our government, and is dangerous to the liberty of the people." True, both the regular democratic and the whig convention resolved in the strongest terms against the further agitation of the slavery question in Congress or out; but Douglas could easily answer to the implication that he broke or was inclined to break these solemn party vows, that the organization of the Nebraska country was an enterprise that had been "dear to my heart" for ten years, and that he had no thought of mixing it up with the slavery question until it was forced upon him at the eleventh hour by greedy and shortsighted representatives of the slavocracy.

garded as the incidental repeal of the Missouri Compromise. In his noted speech in Chicago, October 23, 1850, he had very explicitly and broadly generalized the principle which he substituted for the Compromise:

These measures are predicated on the great fundamental principle that every people ought to possess the right of forming and regulating their own internal concerns and domestic institutions in their own way. . . . These things are all confided by the constitution for each state to decide, and I know of no reason why the same principle should not be confided to territories.

He cited the forcible fact that the two great political parties — whig and democrat — in their national conventions in 1852 "adopted and affirmed the principles embodied in the compromise measures of 1850 as the rules of action by which they would be governed in all future cases in the organization of territorial governments and the admission of new states."⁶⁸

Seward, Chase, and Sumner were the principal leaders of the opposition to the Kansas-Nebraska bill. Perhaps they had a finer ethical and philanthropic instinct and purpose than Douglas. This is doubtless true at least of Chase and Sumner. It is true also of Lincoln, whom the new opportunity presented by the passage of the bill lured out of the hiding into which he had gone discouraged after his unfortunate participation with the Whig party in its opposition to the Mexican war, and discouraged also by the easy ascendancy of Douglas in Illinois. But the position of Douglas was far different from that of either of the statesmen named. He had the tremendous responsibility of leadership of a party which was virtually without opposition and whose dominating element was fatuously bent, as it continued to be to its self-destruction, on the expansion of slavery. To Douglas fell the colossal task of holding the dominating pro-slavery element of his party at bay without destroying the party — and the Union. It would be rash to say that Seward, Chase, or Lincoln, who were all ambitious, practical politicians, would have done differently in Douglas's place. Seward and Lincoln represented politically the echo of dying whiggism

and Chase had cut loose from the democratic party. It was therefore easy for them to join the now swelling chorus of the North and of the civilized world against slavery. But Douglas had the misfortune at this critical juncture of being the responsible leader of the dominant party and personally ambitious as well. Though Seward and Lincoln, and perhaps Chase, were already shaping the new anti-slavery republican party of which they were to become the ambitious leaders and the prime beneficiaries, yet as their aim was more remote than that of Douglas, its element of selfishness was not as apparent. Certain it is that in their early leadership of the republican party Seward and Lincoln compromised on the slavery question more than Douglas evaded — more than it was possible for him with his impetuous, Napoleonic, dictatorial spirit to trim. The dramatic halo of the Civil war, from whose embrace death snatched Douglas all too soon — for he had promptly and unequivocally thrown his weighty influence on the side of the Union — hides all but martyrdom and saintship in the character and career of Lincoln, and illuminates, if it does not exaggerate the moral heroism of Seward and Chase. It is not likely that an impartial estimate of these early republican leaders will ever be written. For an opposite reason no impartial or just estimate of Douglas has yet appeared.

ESTIMATE OF DOUGLAS. After the passage of the Kansas-Nebraska bill there was a memorable struggle in Kansas for six years between the pro-slavery and anti-slavery forces, both augmented by organized colonization from other states, until the unhappy territory was admitted as a state without slavery in January, 1861, just as the southern states were busy going out of the Union. Actual experience in Kansas with the popular sovereignty plan of adjustment was sorry and sorrowful indeed. But this was a sorrowful and vexatious question, and under any plan there would have been an irrepressible conflict. It should suffice that though under Douglas's plan freedom was born in sore travail, yet it seems not improbable but for that plan it had not been

born at all; and it is to the eternal credit of the courage and capacity of Douglas that there is no doubt that freedom won the day under his leadership against the now blind and mad greed and aggressiveness of the South and the truckling policy of Buchanan's administration. In the trial of a masterful statesman's character and career it should be esteemed a weighty matter that throughout his course and after he had compassed "the Kansas-Nebraska iniquity" this "subservient demagogue" remained the idol of his party in the North; that the confidence of the exacting, destructive slave-power of the South was, on the other hand, always withheld from him, until it finally accomplished his undoing as well as that of his party and the Union.

While calm and ripened public opinion will not hold that Douglas ought to have considered uncompromisingly and exclusively the welfare of the slave or the immoral quality of slavery, where the life of the Union, as well as that of his party, was already at stake, yet, obviously, he lacked that sentimental regard and sympathy for the negroes in bondage which the civilized world now applauds in Garrison, Phillips, Sumner, and Chase, but which in effect coöperated with the fire-eating sentiment of the South in precipitating the war which otherwise might have been avoided. Perhaps Douglas played a hard-hearted as well as a desperate game, not guiltless of finesse, with his overbearing, cunning, and outnumbering southern party associates; and perhaps he was over-selfish in yielding to the preposterous demand of a part of them for the repeal of the Compromise. But it would be rash as well as unjust to draw the sweeping conclusion that his ultimate motive was not patriotic or that he did not sincerely believe that his substitute for the Compromise offered the most practicable solution of the momentous and vexatious question with which he was confronted.

It was apparently not until some years after its passage that Nebraska was relegated to the rear in the name of the Kansas-Nebraska bill and was thus deprived by its Jayhawker neighbor of its immemorial prece-

dence and of the full fame or notoriety of its relation to this famous or infamous act. Douglas constantly referred to it as the Nebraska bill as late, at least, as the time of his debates with Lincoln in 1858; but in his noted article in *Harper's Magazine*, of September, 1859, he commits the error of stating that the act "is now known on the statute book as the Kansas-Nebraska act." The act is in fact entitled in the statute as "an act to organize the territories of Nebraska and Kansas"; but the Illinois democratic convention of 1860 called the measure by its present name. The misnomer, and the usurpation by Kansas of first place in the name, may probably be credited to the fact that it is more easily spoken in that form, and that the spectacular and tragical political procedure in "bleeding Kansas" during the years immediately following the passage of the bill gave the territory the full place in the public eye to the exclusion of Nebraska with the comparatively tame events of its organization.

Thus Louisiana territory was conceived by the exigencies and on the threshold of a mighty international struggle which resulted in the annihilation of the greatest and most imperious of potentates; and Nebraska, child of Louisiana, was conceived by the exigencies and in the beginning of a great national struggle, in which the no less imperious power of human slavery was also to meet its doom.

The organic acts for Nebraska and Kansas which were finally adopted contained a guarantee, not found in the bills offered by Douglas in 1844 and 1848, that the boundaries should not "include any territory which by treaty with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries and constitute no part of the territory of Nebraska until such tribe shall signify their assent to the president of the United States to be included within the said territory of Nebraska." This clause was inserted in the Indian provisions of the Richardson bill, doubtless as a result of the strenuous opposition to the organiza-

tion of the territory on the part of the East and Southwest, and it was retained in the Dodge bill.

PROPOSED BOUNDARIES. The bill of 1844 provided that "the existing laws of the territory of Iowa shall be extended over the said territory," but "the governor, secretary, and territorial judge, or a majority of them, shall have power and authority to repeal such of the laws of the territory of Iowa as they may consider inapplicable and to adopt in their stead such laws of any of the states or other territories as they may consider necessary," subject to the approval of Congress; thus following the principle of the original provisions of the Ordinance of 1787 for territories of the first grade. This bill of 1844 followed the Ordinance of 1787 in providing for a second grade or representative government; but while under the Ordinance five thousand free male inhabitants were required as a condition precedent to legislative government, under the Douglas bill the requirement was five thousand inhabitants merely, only excepting Indians. The Ordinance provided that an elector should own fifty acres of land in his representative district, and that to be eligible to membership in the legislature one should own two hundred acres of land within his district; the Douglas bill required no property qualification in either case, but that members of the legislature should have the same qualifications as voters. While the Ordinance did not, specifically at least, exclude negroes from the elective franchise, the Douglas bill limited that right to free white male citizens for the first election and empowered the legislature to define the suffrage qualifications thereafter.

On the 7th day of January, 1845, A. V. Brown of Tennessee, member of the House committee on territories, reported a bill amendatory to the Douglas bill which required that there should be five thousand white inhabitants before the territory should be entitled to a legislature. This bill also changed the provisions of the original bill relating to the judiciary system.

The boundary described in the bill of 1848 differed from that of the bill of 1844 in start-

ing where the 40th parallel of latitude crosses the Missouri river instead of at the confluence of the Kansas and Missouri rivers—a little above 39°; in running to the 43d parallel instead of the mouth of the Niobrara river, a little to the south, and then following the river to that parallel; and on the south in running along the 40th parallel instead of the devious course, ending at the east on the 38th parallel as already outlined. The bill of 1848 followed Brown's amendment in requiring five thousand white inhabitants before change to legislative government and also in the provisions for the judiciary, and the bill of 1844 in requiring the approval of the enactments of the legislature by Congress before they should become valid. In other respects the bills in question are all essentially alike.

The boundary described in the Richardson bill of February 2, 1853, differed from its predecessor of 1848 in following the summit of the Rocky mountains on the west instead of a right line south from the point of intersection of the northern line with the mountains—which did not appreciably alter the western boundary of the part of the territory included in the bill of 1848—and in adopting the northern line of New Mexico and the parallel of 36° 30' instead of the 40th parallel as the boundary on the south.

In the Richardson bill the feature of legislation by the governor, secretary, and territorial judge is left out, and legislation by a general assembly from the first is provided for; but all enactments of the legislature must be approved by Congress to become effective. Only free white male citizens could vote or hold office. Since the territory was to pass its own laws, the provision of the bill of 1848, extending the laws of Iowa over the territory except as they might be repealed by the governor, secretary, and judge was dropped. With these exceptions the bills were essentially alike.

The boundaries in the Dodge bill of December 14, 1853, were identical with those of the Richardson bill and the bills were otherwise alike in all important provisions. The boundary of the final organic act differed from

that of the Richardson and Dodge bills in taking in all the remainder of the Louisiana Purchase on the north, except that part of Minnesota lying west of the Mississippi river, instead of running only to the 43d parallel; and on the south in running down to the 37th parallel instead of 36° 30'. There are two other important points of difference between the final organic act and the bills which preceded it, namely, that of the famous provision with regard to slavery and the dropping of the provision that legislation by the territorial assembly must be approved by Congress to become operative. This proviso was retained even in the substitute of January 23, 1854. The other bills also provided that the governor should act as superintendent of Indian affairs in place of those officers stationed at St. Louis, but this feature was dropped from the final bill.

The similarity of the main provisions of all these bills is explained by the fact that they, like the organic acts of all the territories which have been organized since 1787, except that of Florida, which was patterned after the Louisiana act, were constructed upon the framework of the immortal Ordinance of the Northwest Territory. Nebraska was distinguished in being the first territory with an elective legislature whose laws were not required to be submitted to Congress for approval before becoming effective. This submission was not required by the Ordinance of 1787, presumably because the governor, whose assent to legislative acts was required, and the upper house of the legislature were appointed by the president of the United States. There was a departure from this principle in the case of the territorial government at Orleans—the first government established by the United States within the Louisiana Purchase. Though the governor and the legislative body, consisting of a council of thirteen members, were appointed by the president, yet, as they were residents of the territory so lately alien in fact, and still so in spirit, it was doubtless deemed discreet that Congress should have the power of vetoing their enactments. The organic acts of

the earlier territories, such as Indiana, Mississippi, Michigan, Illinois, and Kentucky and Tennessee of the southwest territory followed closely the Ordinance of 1787. Missouri, the first territory organized after the original division of the Louisiana Purchase into the territory of Orleans and the district of Louisiana, was at once allowed a legislative assembly, though the members of the upper house were appointed by the president.

In the organic act of Indiana, however, (1800) the first division of the Northwest Territory, a provision that the territory might have a legislature, "so soon as the governor thereof shall be satisfied that it is the desire of a majority of the freeholders thereof," was substituted for the rigid condition of the Ordinance of 1787 requiring five thousand free male inhabitants. No provision was made for a legislature in the organic act of the district of Louisiana (1805), and that of Michigan passed the same year merely adopted the Ordinance of 1787. The right of freeholders to decide when a legislature should be established was left to Illinois (1809) and Arkansas (1819). The organic act of Missouri (1812), and all the territories established after 1809 provided for immediate legislative assemblies. Wisconsin (1836), the next territory organized — excepting Florida — was the first to come in with the right to elect both houses of the legislature, but the act contained the offset that "all the laws of the governor and legislative assembly shall be submitted to, and, if disapproved by the Congress of the United States, the same shall be null and of no effect." This provision for sub-

mission of the enactments to Congress was incorporated in the organic acts of all the territories organized from that time until Nebraska and Kansas were reached. Such undemocratic surveillance would have been galling to the spirit of popular sovereignty which pervaded the Kansas-Nebraska act, and the two principles were quite incompatible.

Under the Ordinance of 1787 members of the legislative council were required to be freeholders to the extent of five hundred acres, and electors, fifty acres. Members of the council of thirteen of the territory of Orleans were required to be holders of real estate. In the Missouri territorial act members of the council were required to own two hundred acres of land, and members of the house were required to be freeholders; only free white males who were taxpayers could vote. This provision of the Missouri act was applied to Arkansas.

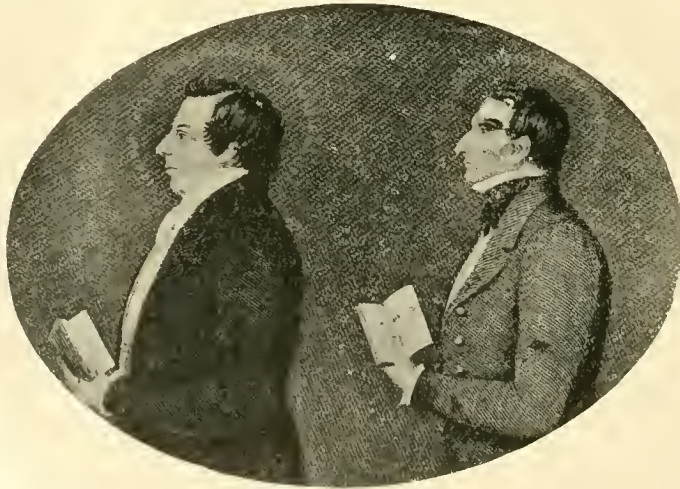
While the Ordinance of 1787 did not specifically restrict the suffrage of whites, it did provide that appointment should be based upon the number of free males. The act of Congress (1808) "extending the right of suffrage" in Missouri restricted it to free white males, but who should also hold fifty acres of land in accordance with the Ordinance of 1787. This restriction of suffrage to "free white males" is found in every subsequent territorial act to and including that of Montana passed in 1864, excepting those of Oregon and Washington in which the term "white male" is used. But, beginning with Wisconsin, and until Wyoming was reached, the legislative assemblies of the territories were left free by the organic acts to prescribe the qualifications of voters.

CHAPTER VI

THE MORMONS IN NEBRASKA

THE religious sect, self-styled Latter Day Saints, but commonly known as Mormons, arose in the state of New York in the year 1830. On account of their fanatical religious zeal and some of their tenets and practices, which were inconsistent or incompatible with the civilization surrounding them, this peculiar people emulated "Little Jo" in the desire or necessity for moving on. The principal body of them had drifted as far west as Missouri,

sulting in the assassination of the prophet, Joseph Smith, and his brother Hyrum, the "Great Patriarch," in January, 1846, the council of the church proclaimed the intention of the sect once more to move on, and this time to their final retreat at Salt Lake, beyond the great range of mountains, which were then an unsurmountable barrier to the advancing civilization of the Plains. But before this, September 9, 1845, it had been determined to



Engraving from an oil painting in the palace of Brigham Young.

JOSEPH SMITH
Founder of the Mormon church

HYRUM SMITH
Great Patriarch

where they had settled in comparative isolation in Caldwell, Clay, and Jackson counties. Driven from their locality by hostile public opinion or prejudice, in 1840, they were at first welcomed to the neighborhood in Illinois nearly opposite the mouth of the Des Moines river, where they founded the town of Nauvoo. After little more than five years spent in this haven, the latter of which were given to riotous troubles re-

send at once an advance party to the general rendezvous. The first detachment, comprising about sixteen hundred men, women and children, and including the principal officers of the church, started westward early in February, the main body following in detachments, at intervals; and during the spring months as many as 16,000 persons and 2,000 wagons were ferried across the Mississippi. These poorly equipped and provisioned unfortunates

suffered indescribable hardships, which were increased by the unusual severity of the winter. When spring had fairly opened, scarcely half the journey across Iowa had been accomplished.

Portions of the emigrants settled on the lands of the Sac and Fox Indians, where they proceeded to develop farms and to erect log houses which were to serve as camps for those who were to follow the pioneers. Other camps, some of them of a permanent character, were established along the route — at Sugar Creek, Richardson Point, Lost Camp, Locust Creek, Sargeants Grove, Campbells Grove, and Indian Town. Many remained at these places on account of the lack of means for proceeding, and some returned to the eastern states. As many as 12,000 were at Garden Grove, Mt. Pisgah, and in settlements west of these places. President Brigham Young, "with a number of prominent brethren," reached the Missouri river on the 14th of June, 1846, at a point near the present Council Bluffs. They camped in the hills until a ferry boat could be built. The boat was launched on the 29th and the next day the emigrants began to cross the river. The other companies, as they arrived from time to time, camped at Council Point, Mynster Springs, Rushville, and Traders Point. Though all beyond the Missouri was "Indian country" and forbidden to settlement or invasion by white men, these determined pioneers pushed westward, opening roads and building bridges across the Papillion and the Elkhorn for the passage of the main body. Some of these forerunners went as far as the Pawnee villages in the fall of 1846, and then proceeded to the northward, wintering near the mouth of the Niobrara river, where they received a friendly welcome from the Indians in that locality. They spent the winter in improvised shanties, some of cottonwood logs, but many of much less substantial and pretentious construction.

The main body of the Mormons crossed the Missouri river by the ferry at Florence and by Sarpy's ferry at Traders Point. The principal camp was at Cutler's park to the northwest of the last named ferry. Here they entered into friendly relations with Big Elk, the noted

Omaha chief, and obtained permission to remain in that neighborhood for two years. By the end of the summer of 1846 upwards of 12,000 Mormons were in the camps on both sides of the Missouri river.

Soon after the Mexican war broke out General Kearny gave Captain James Allen authority to enlist soldiers among the Mormons, and he raised, in two weeks, a battalion of five companies — "nearly 600 souls"; but this event delayed the start across the plains until the next year. At Fort Leavenworth each soldier received a bounty of \$40, which was largely used for relieving the extreme wants of the people in the Mormon camps.

During the summer and fall of 1846 the camps were infected by a scrofulous or malarial disease which had been very fatal among the Indians during the previous year. As many as 600 of the Mormons died at the Florence camp. The pestilence returned each summer up to 1851, and invaded the camps on both sides of the Missouri river.

The great camp on the site of the present Florence was called "Winter Quarters," and there some 3,500 of the emigrants spent the severe winter of 1846-1847. By December, 1846, this magic village counted 538 log and 83 sod houses, which were symmetrically arranged along regularly laid-out streets. Brigham Young, the masterful director of this remarkable enterprise, described the village as follows:

The buildings were generally of logs, from twelve to eighteen feet long; a few were split and made from linn (linden or basswood) and cottonwood timber; many roofs were made by splitting oak timber into boards, called shakes, about three feet long and six inches wide, and kept in place by weights and poles; others were made of willows, straw, and earth, about a foot thick. Some of puncheons. Many cabins had no floors; there were a few dug-outs on the side hills — the fireplace was cut out at the upper end. The ridge pole was supported by two uprights in the center and roofed with straw and earth, with chimneys of prairie sod.

The doors were made of shakes with wooden hinges and a string latch; the inside of the log house was daubed with clay; a few had stoves.

Schools, churches, and the ecclesiastical-

civic government peculiar to the Mormons were established in Winter Quarters. An expensive flouring mill was built, the machinery for which cost as much as \$8,000. During the winter the women made large numbers of willow baskets; and for the lack of forage several thousand cattle were wintered on the Iowa side of the river in Harrison and Monona counties, where they fed on the rush bottoms, said to have been extensive there at that time.

Both of the "twin relics of barbarism" were planted, though temporarily, in Nebraska. The Mormons practiced polygamy, to some extent at least, at Winter Quarters; but the statement that Brigham Young's own inventory of his family counted sixty-six, though apologetically the narrator insists that some of the children were his only by adoption, should be accepted as an illustration of the fact that polygamy existed and not as a fact itself. In the large octagonal council house the revelations concerning the grand march to Salt Lake, which Young had received in fore-handed season — during the month of January — were formally arranged and confirmed. The Cutler's park camp had been moved to Winter Quarters in October, and the advance guard returned from their winter's sojourn at Niobrara in the spring of 1847.

Heber C. Kimball started six teams westward on the 5th of April, 1847, and the party went into camp on the Elkhorn; but Kimball returned to Winter Quarters to attend the conference held on the 6th, at which the final arrangements were made for the departure of the pioneer band, which was to explore the Rocky mountain basin in search of a final rest for the saints. Besides Young and Kimball, prominent among those who attended this remarkable conference, of great social interest and import, were Wilford Woodruff, Orson Pratt, George A. Smith, Willard Richards, Amasa Lyman, and Ezra T. Benson. These were of the twelve apostles.

On Wednesday, April 7, 1847, this pioneer band moved out of Winter Quarters, and after the first day's march they halted at the

rendezvous which had been established by Kimball on the Elkhorn river two days before. Here the final apportionment of goods to be carried and other arrangements in detail were made. On the 8th another party started for the rendezvous; and on the 9th still another, including Brigham Young and Heber C. Kimball. This party joined others who had assembled at Cutler's park, and they camped the first night four miles east of Papillion creek. The main body of the pioneer band reached the Elkhorn river on the 11th. The leaders returned from these outposts from time to time to Winter Quarters; but on the 14th the final departure took place, the last wagons leaving at two o'clock in the afternoon. Brigham Young and other prominent leaders were in this party. They traveled nineteen miles that day and camped near Papillion creek, and reached the Elkhorn the next day half an hour before noon. The river was crossed on a raft which had been constructed by the advance band. On the 23d a part of the teams forded "the dangerous Loup Fork of the Platte." It was then decided that it was necessary to build a raft to assist in the crossing. On the 28th the party camped near the present site of Grand Island. They kept along the north side of the Platte river and reached Scotts Bluff, not far from the present Wyoming boundary, on the 27th of May. They entered Salt Lake valley July 21st, and on the 22d selected a camping ground on the present site of Salt Lake City. This pioneer band of Mormon emigrants comprised 149 people, including three women — Harriet Page Wheeler Young, wife of Lorenzo D. Young; Clara Decker Young, wife of Brigham Young; and Ellen Saunders Kimball, wife of Heber C. Kimball — 247 animals and 72 wagons. These were loaded with provisions and farm machinery. This itinerary is from the record of the journal kept by Apostle Orson Pratt, who measured the distance from Winter Quarters to the eighth ward square, Salt Lake City, as 1,054 $\frac{1}{4}$ miles.

Brigham Young started back to Winter Quarters on the 26th of August with a party of 107 persons, arriving October 31st.

After the departure of the pioneer band from Winter Quarters, the others who were able to travel organized a company called the First Immigration. It comprised 1,553 people, with about 560 wagons with a large amount of live stock and poultry. This expedition was under command of Parley P. Pratt and John Taylor, and it reached Salt Lake valley in several divisions during the fall of 1847. The consummate organizing ability of Brigham Young, if not of others of the Mormon leaders, was shown in this great exodus from Nebraska. Young, who went with the pioneer band, was chosen lieutenant-general. The subsequent expeditions were organized and conducted with military precision, being divided into companies of 100 each, subdivided into bands of 50 and squads of 10, each of the companies being commanded by a captain, and all under the authority and command of the high council of the church. Outriders selected each camp on the day preceding, and formed a skirmish line. The wagons proceeded in a double column and at every important halting place were formed in two arcs of circles, openings being left between the sections; the tongues of the wagons pointed outward, each front wheel lapping the hind wheel of the next wagon. The cattle were confined inside this effective corral and fortification, and guards were stationed at the two openings. The people, for the reason presumably that they were not, like the cattle, subject to stampede, took their chances in tents pitched outside the ramparts. When the camp abutted on a large stream, the wagons were arranged in a semicircle, each extremity resting upon the river, which answered for a defense on that side. Overlapping extensions widened the wagon beds to six feet, and they were laden with farm machinery, grains for seed and provender, and the familiar coops of chickens. The larger prairie schooners were drawn by six oxen; but there were all

sizes and grades of vehicles between this king of emigrant travel and a cart drawn by a single cow. The wily and wary Indians soon discovered the perfect armed organization of the Mormons, and with the exception of occasional attempts to stampede the cattle, they traversed the country of the hostiles without serious attempts at depredation or attack.

In May, 1848, Brigham Young headed an expedition from Winter Quarters, comprising 1,229 people and 397 wagons; Heber C. Kimball headed another in July, comprising 662 people and 226 wagons; and Willard



BRIGHAM YOUNG

Richards, following not long after with 526 persons and 169 wagons, left Winter Quarters a deserted camp. The general Mormon emigration over this route continued to be extensive, though gradually falling off, till as late as 1852. The route of emigration from Great Britain was by way of New Orleans up the Mississippi and Missouri rivers to Independence, and thence by the Oregon trail, or for those who preferred it, the old route to Council Point near Kanesville. The principal crossing was at Bethlehem, opposite the mouth of the Platte

river. Old Fort Kearney, and subsequent to 1856, Wyoming, Otoe county, shared this northern Mormon travel. It now followed along the south side of the Platte to New Fort Kearney. "The trail officially recognized and directed was along the north bank of the Platte, leaving Kanestown by way of Crescent, making a rendezvous at Boyer Lake or Ferryville, crossing the river to the abandoned Winter Quarters, then to the Elkhorn rendezvous, with ferries over the Elkhorn and Loup. All the sunflower trails converged at Fort Laramie. The North Platte route was deemed the more healthful, and was thus constantly urged and recommended by the church authorities at Kanestown. Orson Hyde counted 500 graves on the trail south of the Platte and but three north of the Platte, from the Missouri to Fort Laramie."

Several thousand Mormons, through disaffection or lack of means for traveling, remained in the Missouri valley—in southwestern Iowa; and as late as 1853 Pottawattamie county was under their complete political control, which was exercised in the choice of political officers, including mem-

bers of the legislature, with the same rigid exclusiveness that has characterized their government in Utah, and which is characteristic of all combinations of religious zealots.

The inevitable depredations of the aggressive Mormons upon the groves of timber adjacent to their camps west of the Missouri caused serious trouble with the Indians within a year after the settlement on that side; and those who had not emigrated westward were obliged to settle on the eastern side of the river by permission of the Pottawattomies to remain there for five years. They settled in the Indian creek valley, in the heart of the present site of Council Bluffs, gathering around an old block house there which belonged to the United States. The settlement was at first called "Miller's Hollow," after the Mormon bishop, Miller; Colonel Thomas L. Kane, brother of Elisha Kent Kane, the arctic explorer, was possessed of a dominant spirit, and though a gentile was friendly to the Mormons; so Kanestown supplanted the original name bestowed by or in honor of their own bishop.

CHAPTER VII

THE FIRST GOVERNOR — RIVAL TOWNS — ORGANIZATION — ELECTION — PRECINCTS — FIRST CAPITAL CONTROVERSY — FIRST ELECTION

GOVERNOR BURT. Francis Burt was already a man of mark in the nation when, at the age of forty-seven years, he was appointed by President Franklin Pierce, the first governor of Nebraska.¹ His previous training and experience in political public service excelled that of any governor of the state. He was a lawyer by profession, but at an early age began to take an active part in politics. He was a member of the famous nullification convention of South Carolina—his native state—in 1832, and then, at the age of twenty-five, began a career of nearly continuous membership in the state legislature, until in 1844 he was elected state treasurer. From 1847 to 1851 he was editor of the *Pendleton Messenger*. In 1852 he sat as a member of the constitutional convention of his state, and was then again elected a member of the legislature. In 1853, soon after the inauguration of President Pierce, he was appointed third auditor of the treasury of the United States, and it is said that his executive services in that department until he was relieved by the appointment as governor were unusually efficient.

A glance at the famous nullification convention and the conditions out of which it grew, reveals in an interesting way the political character of the first governor of Nebraska and political conditions in the country when the territory started on its organized career. Roughly speaking, the northern states in the first quarter of the nineteenth century were looking mainly to manufactures, while the southern states were looking to agriculture. As a growing

sentiment against slavery became manifest in the North about this time, alarm for its safety had begun in the South. While the sentiment of the people of the South was, for economic reasons, naturally against a protective tariff which, while it taxed their importations, could not benefit them, since they had no expectations of developing manufactures, yet the doctrine of rigid construction of powers of the Constitution, which they began to advocate about this time, was intended primarily as a defense against congressional interference with slavery.

But these economic conditions were the immediate occasion, if they were not the prime cause of the attempt to nullify the protective tariff acts of 1828 and 1832. South Carolina had cast her industrial fortunes upon agriculture alone, and upon a single branch of agriculture, namely, cotton growing. Cotton was therefore the only important domestic product which the people of South Carolina had to exchange for the manufactured necessities and luxuries then imported from European countries, and they felt and resented the high tariff of 1828 and 1832 as a direct and heavy burden upon their means of subsistence. And so they then and there began the rebellion which ripened in 1860 and ended in 1865.

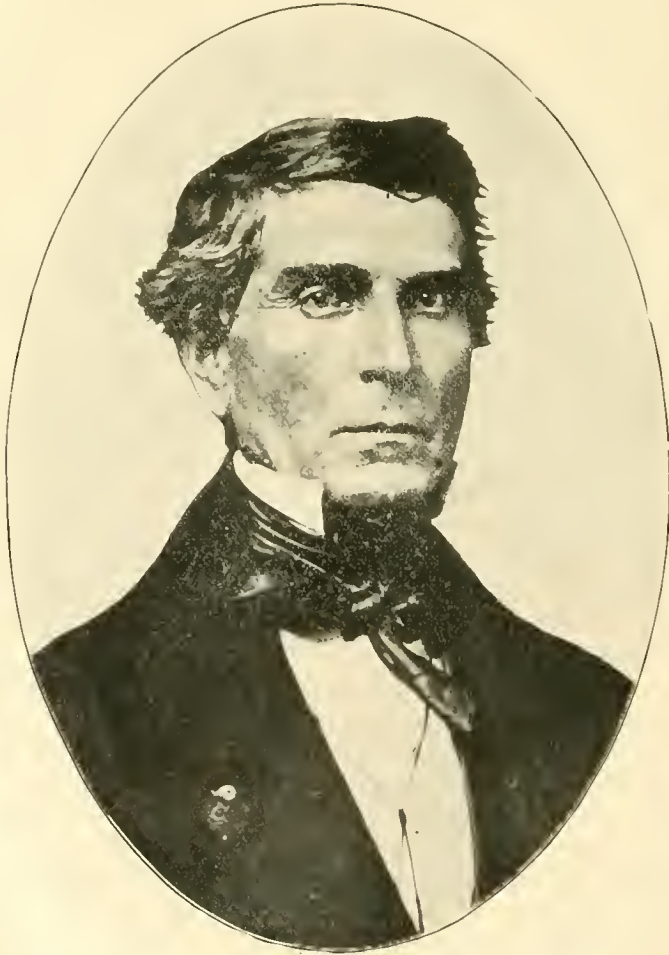
In his message to the special session of the legislature which had been called to provide for the convention, Governor James Hamilton, Jr., insisted that the Union was "a confederacy composed of coequal and

¹ William O. Butler of Kentucky had been previously appointed governor of Nebraska territory, but declined the office. *Harper's Monthly*, vol. ix, p. 398.

coordinate sovereigns." The resolutions which the convention adopted declared that the objectionable tariff laws "are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void and no law, not binding upon the state, its officers or citizens"; that it was the duty of the legis-

Court, and that any attempt by federal authority to enforce the tariff laws would absolve the state from the Union.² Twenty-six members of the convention had the courage to vote against the adoption of the ordinance, but Governor Burt was not of them. He was one of the 136 voting aye.³

And yet when we consider times and con-



From a photograph owned by the Nebraska State Historical Society

FRANCIS BURT
First governor of Nebraska territory

lature to adopt measures to enforce the ordinance and prevent the enforcement and arrest the operation of the acts annulled; that no suits brought in the state courts involving the validity of the ordinance or legislative enactments to enforce it should be appealed to the United States Supreme

conditions, this drastic and revolutionary act should not excite our wonder. We may not affirm that Massachusetts would not then have acted similarly under similar serious provocation. There was as yet no strong

² *Niles' Register*, vol. xliii, p. 219.

³ *Ibid.*, p. 277.

or distinct comprehension of the importance or sacredness or inviolability of the union; and an adequate sentiment of this sort could only be awakened by a shock. The first awakening shock came with the clash of Jackson's imperious championship of a real union against this very South Carolina doctrine of the rope of sand—of nullification. The final shock did not come till the day of Appomattox. In 1854, as in 1832, the South dominated the Union, South Carolina dominated the South, and the Burt family were to the South Carolina manner born, and were of influential standing in that turbulent, intractable, and irrepressible commonwealth.

Armistead Burt was even more prominent in public affairs than his younger brother, our Nebraska governor. He was a member of the House of Representatives for five consecutive terms, from 1843 to 1853, and was temporary speaker of the Thirtieth Congress for a short time during the illness of the speaker. He survived the Civil war, politically as well as physically, and was a member of the South Carolina legislature of 1865 which enacted the "black code," and in 1876 assisted General Wade Hampton in the revolutionary political movement which rid the state of the carpet-bag régime. Episodes in his career in Congress, at the time when Douglas was first undertaking the political organization of the vast northwest territory known as Nebraska, indicate the short-sighted, imperious presumption and narrow provincialism of the pro-slavery sentiment, which was to overreach itself in the repeal of the Missouri Compromise by the Nebraska bill—the first step toward its self-destruction, secession being the second, and war the third and last. On the 21st of February, 1844, there was a sharp debate in the House over an attempt on the part of anti-slavery members to ignore or set aside the rule made by the Twenty-fifth Congress excluding petitions for the abolition of slavery, and Mr. Burt, answering Beardsley of New York, uttered the following fiery speech:

Language is impotent to express the in-

tensity of scorn and contempt with which South Carolina regards the miserable, upstart morality of the North which attempts to hold up her domestic institutions to the odium of the world. . . . The gentleman from Maine (Severance) has told the House that that class of petitions will never cease until Congress does its duty by abolishing slavery in the District of Columbia; but I beg permission to say that whenever that discussion is raised in this hall it will be the last subject that an American Congress will ever discuss here. The South would regard it as a declaration of war, and she would act accordingly. She would not allow that government to which she had surrendered certain attributes of her sovereignty for the protection of this property to be permitted in any form to invade it.³

It must have been obvious at the time that the settlers of Nebraska would be strongly anti-slavery in sentiment, and it is indicative of the subservient spirit of Mr. Pierce's administration that a man so widely distant in both sentiment and location should be sent to rule over them. Our wonder is increased by the reflection that the great hardships incident to traversing the vast physical distance cost the first governor his life.

With the exception of the short beginning of the Milwaukee & Mississippi railroad—from Milwaukee, the Chicago & Rock Island to the Mississippi, and a few spurs or beginnings in Illinois, no railways had been built west of a line drawn north and south through Chicago. Most of the railways of the country were confined to southern Michigan, Ohio, and the northeastern and southeastern states.

Governor Burt was commissioned August 2, 1854, and on the 11th of September following he left his home—Pendleton, South Carolina—for Nebraska, accompanied by his young son, Armistead, and several neighbors who intended to settle in the new territory. The party traveled by frequent alternations of private conveyance, "stage," railway, and steamboat. The extreme isolation of Nebraska and the progress of railways toward the west at that time are illustrated in an interesting man-

³ *Cong. Globe*, vol. xiii, pp. 303-304.

ner by the account of this journey given in a recent letter to the editor from Dr. Armistead Burt at his home in New Mexico.

From Chicago they might have gone by the Chicago and Rock Island railroad, which had been completed to the Mississippi river earlier in the year 1854, but since they could go part of the way to St. Louis by railroad and the rest of the journey by steamboat they preferred that route rather than to cross the unsettled plains of Iowa by wagon.

This very complicated and difficult gubernatorial journey was suggestive of the contemporary condition of politics and of the hard road over which Douglas, with his new whip of popular sovereignty, as embodied in the Nebraska bill, was attempting to drive the democratic party. And yet, though the course of the governor and that of the intrepid leader of the democracy alike led to tragic disaster, it is doubtful that either could have chosen a better or wiser one. Comparison of the material and political condition of the country at that time, as illustrated by these aims and struggles of Burt and of Douglas, with present conditions reveals the miracle that has been wrought within the memory of living men.

Governor Burt was very ill when he reached St. Louis and was obliged to stop over there several days, confined to his bed. By the time he reached Bellevue, on the 7th of October, he had grown still worse, and he continued to sink until his death, which occurred October 18th. He took the oath of office on the 16th, before Chief Justice Ferguson, and so was governor two days.

Correspondence between Mrs. Burt and her husband shows that she repined over his absence at his post in Washington, and when he submitted to her the question of his acceptance of the governorship of Nebraska she replied eagerly that she would go anywhere if they could only be together. These letters show that it was the governor's intention to live permanently in Nebraska, and his wife urged tenderly that he

deserved a wider field for his abilities than was afforded by the little isolated town of Pendleton. It appears also that before the Nebraska appointment came they bitterly resented the failure of President Pierce to appoint Mr. Burt governor of Kansas according to a promise which they understood he had made. The story of the governor's funeral journey back to Pendleton and to the wife is in pathetic contrast to the eager hope and solicitude she had expressed for a permanent family home, though in an unknown and immeasurably distant country.

On the 19th of October, Acting Governor Cuming appointed Barton Green, Col. Ward B. Howard, James Doyle, and W. R. Jones as an escort for the body of Governor Burt to his South Carolina home. They were allowed from the contingent fund \$2 a day and actual traveling expenses, and the boy, Armistead Burt, was allowed traveling expenses to Pendleton.

It has already been pointed out that western border Iowans were the self-constituted but logical "next friends" of prospective Nebraska, and the following picture of conditions and prospects of the coming territory drawn by Mr. Henn, representative from western Iowa, in a speech in the House of Representatives, March 3, 1854, already quoted from, should be regarded as fairly true to nature:

Ten years ago we looked for a further west, and for a time when Iowa was to be a frontier state no longer. Step by step that emigrating spirit, which first breathed American air on Plymouth Rock, was looking forward to the beautiful valleys of the Platte and the Kansas. Nebraska, a name familiar only to Indian ears, was in a few short months becoming a watchword for the frontier settlers. The year 1846 found not a few on the banks of the Missouri awaiting legal authority to cross and occupy "those green meadows prepared by nature's hand." In the summer of 1853 not less than 3,000 souls had assembled on the frontiers of Iowa ready to make their future home on that soil.⁵

⁵ Appendix *Cong. Globe*, vol. xxix, p. 885.

He then goes on to say that he had voted against the measure for territorial organization a year ago to save the rights of the Indians, but in favor of appropriations for securing treaties since made. According to reliable estimates, he said, there were now in Nebraska 9,000,000 acres of land obtained from the Indians by purchase and treaty, and 12,133,120 acres heretofore owned by the United States—in all, 21,133,120 acres open for settlement.

Replying to the objection raised by opponents of the bill that "there are no people in the country proposed to be organized except Indians, half-breeds, traders, soldiers, and those in the employ of the Indian

RIVAL TOWNS. But in numbers, aspirations, and hopes the carpet-bag politicians and other promoters of the infant territory were as great as its actual population was small, and the townsites did not fall below them in any of the qualities named. The first number of the *Arrow* makes a round-up of those worthy of notice.

These pioneers attached great importance to the esthetic quality of the sites of the future cities, and it was exploited to the utmost in the acrimonious controversies over the respective merits of Omaha and Bellevue. To the *Palladium's* observation that "Bellevue is admitted by every important observer to be the most command-



From drawing by Geo. Simons, in the frontier sketch book of N. P. Dodge

FIRST CLAIM CABIN IN NEBRASKA

Built by Daniel Norton, between Omaha and Bellevue, in 1853

bureau," Mr. Henn said that a few months ago this was no doubt the case, because the people of the frontier were law-abiding and unwilling to interfere with the regulations of the government which forbade their occupancy of the country. Yet an intelligent citizen had informed him that two months since there were between five hundred and six hundred whites within that territory by permission of officers of the government—three hundred at Fort Laramie, two hundred at Fort Kearney, and seventy-five scattered at other points. Within three days after the passage of the bill, he asserted, there would be not less than three thousand people in Nebraska; and the same conditions existed in Kansas.

ing and beautiful location," the *Arrow* replies that Omaha "is nevertheless a handsome place"; and in detail: "It occupies a beautiful plateau, sloping well to the river. . . . The view is extensive and picturesque, taking in a long reach of the river both up and down, the broad, rich bottom lands dotted over with fields, houses and cattle, and a strange, romantic, and bewildering background of indented and variously formed bluffs."

Nor was the industrious promulgation of this early "Iowa idea" confined to the local field. In the same issue of the *Arrow* is copied correspondence of the old *Ohio State Journal* which tells the old, old story:

But the site which seems to me to contain

the most advantages is that of the city of Omaha. . . . The plat is most beautiful and attractive. . . . Several gentlemen of capital and great influence are interested in this new city and a regular survey and platting of premises is now going on. Being so near Council Bluffs, the only town of any size in western Iowa, it has many advantages as the seat of government, and a vigorous effort is being made by those having influence in the right quarter to secure that object. A public square and a state house will be donated by the company for this purpose. If it succeeds Omaha will at once take rank as the first city in Nebraska, and if the roads come to Council Bluffs it will, whether it becomes the capital or not, assume an important position.

his reckoning. He could with some safety discount the influences around him which, about two years later, diverted the Rock Island down the Mosquito to Council Bluffs from its intended route down Pigeon creek to a terminus at the rock-bottom crossing opposite Florence. And while this reason was not free from the hit-or-miss element and the influence of the wish over the thought, yet it foreshadowed a great economic fact. Here the railway was to precede occupancy and growth, and so, during an exceptionally long period of commercial and political dominance was to receive, if not to exact, from its creatures recognition



Drawing by Simons, from N. P. Dodge sketch book

BELLEVUE, NEBRASKA, 1856

No. 1 (near center), old home of Peter A. Sarpy; No. 2 (in foreground), Sarpy's new home; No. 3, Indian mission; hill on extreme right, present site of Bellevue College.

We may well believe that these esthetic conceits would be much less obtruded in a contest for the choice of a site of a capital in the face of the more dominant commercial spirit of the present. But our beauty-struck pioneers did not, after all, miss the main chance; for in the same article the *Arrow* significantly observes that, "in full view, and due east, is Council Bluffs City, the great and well known local point of the Iowa railroads."

While this mouthpiece of Council Bluffs spoke wide of the fact — for that place had not been fixed upon then as the objective of any railroad — yet he did not speak without

and obeisance as the creator of the commonwealth.

At the beginning Nebraska was a state without people, and it remained so, virtually, until their forerunners, the railroads, opened the way for and brought them. This phenomenon distinguishes the settlement of the trans-Missouri plains from that of the country eastward of them. There the railways followed the people. Here they preceded the people, and hither, as self-created immigration bureaus, they both persuaded and carried them. It was when the railways, having crossed Illinois and having been projected across Iowa, pointed

the way to the occupancy of the Plains that the people collected on the eastern bank of the Missouri river barrier and cast a wistful eye to the Nebraska Canaan.

On these Plains, in their isolated state, the industrial arts were impracticable; there was only the soil capable of producing staple foods. Until the railways came to carry the staple products of the soil to the far eastern market, and to bring back in exchange all the other necessities of life, including, besides the indispensable fuel, the very tools and material for cultivating the soil, the erection of shelter for man and beast and for all other improvements, life could be endurable only along the Missouri river, and comfortable nowhere. So great was the extremity in this beginning of civilized utilization of these Plains that even statesmen, usually the most ubiquitous of all our animals, were wanting, necessitating the importation of members of Congress and even of the local legislature.

The pleasantries and sarcasms of the mouthpieces of the two principal and rival towns lay bare, like searchlights, the extreme slenderness of the foundations on which the political beginning was to rest. The *Arrow* of October 13, 1854, referring to a reception at Bellevue prepared for Governor Burt on his arrival, says it was reported that there were fifteen persons present—"all the citizens and some neighbors." The *Palladium* of the week before had a sarcastic account of the editor's visit to Omaha. He tells us that after landing from the steam ferry-boat:

We expected the beauty of the location would manifest itself at first glance, and then the commanding features we had often read of in the *Arrow*, would at once claim our attention. But, instead of this we looked around wondering which way to go to find the city. We were at a loss at first to satisfy ourselves that it was actually spread out before us, and much more to identify the locality of its commanding point—the focus of business.

And then the outraged *Arrow* lets fly in this spirited fashion, and though we are thankful for the information about Omaha

which is disclosed by the retort, we cannot but feel that it is relatively blunt:

Focus of business indeed! Four months ago there was not a family upon this spot nor a house reared. Now there are two stores and some twenty houses, with a score more in progress. Query: Where is the "focus of business" at Belleview? When there has been one house reared upon the *commanding* site we shall not farther intrude so impertinent an inquiry. The city of Belleview is easily found, not a building nor a pile of material obstructs the vision.

The same number of the *Arrow* announced that arrangements had been made



CHARLES H. DOWNS
Pioneer of Omaha, Nebraska

at Omaha for a reception to Governor Burt "in a style which would have done credit to many an older place." The committee of reception were Charles B. Smith, Alfred D. Jones, William R. Rogers, Robert B. Whitted, Michael Murphy, William Clancy, Samuel A. Lewis, Charles H. Downs, William N. Byers, and William Wright. The committee of arrangements were T. Allen, Charles B. Smith, David Lindley, Alexander Davis, and Charles H. Downs. "Both committees will continue in their respective stations until such time as the governor's health will justify their action." But the committees continued in their respective stations till, one by one, so far as is known,

with the single exception of Charles H. Downs, they have been summoned to follow the ruler they were to honor to the other shore where mayhap the long prepared reception has at last been held.

Though Secretary Cuming, who, by the death of Governor Burt and the provision of the organic act, became acting governor, was to be architect of the organic beginning of Nebraska, yet in a deeper and broader sense the beginning had taken place



FENNER FERGUSON

First chief justice of the supreme court of the territory of Nebraska

in the summer and fall of 1854, on the advent of the settlers who came filled with the anticipations and hopes, accustomed to the asperities, inured to the hardships, and conscious of the constructive responsibilities and duties of pioneer life. For fifty-one years after its acquisition the land these pioneers had come to possess had been an unorganized prairie wilderness. During all that time the geographers had described it

as a part of the Great American Desert, unfit for agriculture—of too arid a climate and too lean a soil to attract or sustain any considerable permanent civilized population.

ORGANIZATION. There were neither laws nor political organization. The bare and ill-defined territorial boundary was the only finger-mark of civilization or sign of civilized control. Writer and reader are able to remember that the nearest railway was yet three hundred miles from our borders. Reliable estimates that property values, real and personal, are over three thousand million dollars in 1917 show the miracle wrought by these beginners whose creed has been faith and good works. And this enormous and almost incomprehensible sum vested in the farms, homes, manufactories, railroads, and other belongings of Nebraska has been accumulated almost wholly by the tillage of its fecund soil. The homely art of plowing and the faithful labor of planting, fused with domestic economy and good management by individual citizens, have populated, organized, and developed the resources of the ninety-three counties, caused all the beautiful homes, the fruitful orchards, the bountiful crops, the thriving plants of manufacture, and the prosperous towns and cities to arise like exhalations upon the prairies. Then the most hopeful and prophetic hardly expected to see any acre of Nebraska land sold for agricultural purposes during his life for more than twenty-five dollars, or thought that improvement was practicable more than forty to sixty miles beyond our eastern border. Land in and of itself has no more exchangeable value than air and water; it depends for its value on human effort put forth upon it, or in relation to it. As lately as 1866 one could get agricultural college scrip for fifty to seventy cents an acre. The value of lands then expressed in cents must be now expressed in like numbers of dollars.

I offered to sell to some parties in New York City twenty thousand acres of Otoe county land for twenty thousand dollars. The proposition was based upon an option

of twenty thousand acres of college scrip, belonging to the state of Maryland, which a friend had secured for me. Elated at the prospect of making forty cents an acre I went in great haste to the city of New York, and there for two weeks labored to impress upon the minds of possible purchasers my faith that the land would be worth five or ten dollars an acre in ten or fifteen years. But, while they listened to my descriptions of the soil, its possibilities in productiveness, and my forecasts of future values, not a man of the wealthy financiers with whom I labored, and all of them had idle money, would buy an acre. The scheme fell through because, in the judgment of the New Yorkers, we were too remote from means of transportation.⁶

No railroad touched the east bank of the Missouri opposite Nebraska until 1867. Then the Northwestern reached Council Bluffs, and offered the farmers of this state their first rail connection with Chicago and the markets of the east. Those rails were laid in relation to Nebraska lands. The Rock Island and the Burlington soon followed, and, together with the Union Pacific and other railroad lines on the west bank of the Missouri, contributed to establish land values from the river to the foothills of the mountains.

The acting governor of Nebraska, Thomas B. Cuming, ostensibly lived on the town-site of Omaha, but he really abode at Council Bluffs. The city of Omaha had a population not exceeding one hundred and fifty. It had no hotel, only a half dozen finished cabins, a few shanties, and a tavern in process of erection to be called the Douglas House; and neither man nor beast could yet find comfort there in the way of board and lodging. Of tawny autumnal color, the unbroken plains stretched from that hamlet to the Rocky mountains like a gigantic canvas awaiting only the touch of intelligent industry to make it glow with all the vivid shades and colorings of modern civilization. But precedent to all enterprise and development was required the establishment of order, civil organization, and law. The organic act provided for that. The United

States had authorized the president to appoint for the territory a governor, a secretary, three district judges, a district attorney, and a marshal. President Franklin Pierce had named, and the Senate had confirmed, Francis Burt of South Carolina, governor; Thomas B. Cuming of Iowa, secretary; Experience Estabrook of Wisconsin, United States district attorney; Fenner Fer-



JAMES BRADLEY

Associate justice of the first supreme court of the territory of Nebraska

guson of Michigan, chief justice; E. R. Harden of Georgia and James Bradley of Indiana, associate justices of the supreme court; and Mark W. Izard of Arkansas, United States marshal. Each of the judges of the supreme court was judge also of one of the three judicial districts.

It will be seen that the carpet-bag system had full sway in that early day; and under it the unfortunate territories, during their existence as such, continued to be the eleemosynary asylum for superannuated or superfluous politicians. In considering the question as to who should succeed Governor

⁶ Personal recollections of J. Sterling Morton.

Burt, the *Omaha Arrow* furnishes us at once a strong and discriminating characterization of the pioneers—the more forceful and interesting because “written on the spot,” and by one of them—and an attack on the carpet-bag system:

It is with heartfelt gratification that we witness the degree of patriotism and self-sacrifice manifested of late by persons throughout the territory desirous of serving the “dear people” in the capacity of your humble servant, in the small number of offices within the gift of an honest pioneer constituency. Cosily seated as we are in our prairie sanctum, we can watch the whole field with a degree of pleasure, an interest unappreciated by the aspiring patriots or, genteelly termed, Nebraska state office seekers. . . .

We see around us and all over our territory needy aspirants for the forty representative offices within the gift of a constituency who have led the van in opening one of the loveliest countries the sun ever shone upon. We see persons anxious, eager, striving for the votes of a people upon whom the old foggy sobriquet of squatters has often been applied, yet a people as honest, as noble, as generous, as hospitable, as practically and theoretically democratic as any in this broad land of ours. They are our friends and we are emphatically theirs. They have come here, not as aspirants for political favors, or under outside pressure for patronage, but have come like us, to rear a home on the frontier, and freed from the anti-progressive customs of old states, act and feel as God in His wisdom intended man to act and feel.

In selecting those, therefore, who are to represent and make laws, to govern and protect us, we want practical, honest men; we want men who are even above the suspicion of being influenced by motives of pecuniary interest; men who know the country and people whom they represent, who have been identified with their interests, who have worked and will continue to work for those interests. . . . We are half inclined to believe that every battle-riddled politician, every boaster of bold political deeds of days gone by, every ranting politician should be left to pursue any other avocation than to serve the “dear people,” and plain, practical, progressive men be allowed to act for us in the legislative halls. Of all the creatures that roam this

fair land of ours, whom we really most pity, and whom we hold in supreme contempt that species of greedy aspirants that always hurry to a new country to court public favor, without basing their claims upon the shadow of a right, stand in the superlative degree. We have no faith in their promises, no faith in their actions. They cannot pass the ordeal among Nebraska voters.

But our editor, like all of them who perch upon the tripod of the “organ,” is no fool to make a stumbling block of his consistency, and does not hesitate to mock that bauble jewel. On the same page with his settler of carpet-bagism he declares that the appointment of Izard from the alien Arkansas country “would meet with the hearty concurrence of the people,” and he reënforces a puff of Secretary Cuning of the foreignstate of Iowa for the same office, which he has clipped from an Iowa paper, with the assurance that “his many friends here would heartily rejoice at such a deserved promotion.”

And then in the next column our editor, giving full vent to his innate sentiment and fancy, answers the question at the head of his article, “Who will be appointed governor of Nebraska?” in this strain:

This is a question of no little importance and one that we often hear asked.

Although we were born and reared in the East and all our early associations are bound up in the hills, valleys, hemlock slopes and clay soils of the East, still we do not the less appreciate the energy, spirit, talent, usefulness, and real perceptiveness of the pioneers of the West. We love them because we know there is the real stuff in them that constitutes all that is excellent, noble, brave, exalted, and statesmanlike. We speak not of the mass, but of many of the choice spirits that compose that industrious and excellent class of society.

They leave the quiet firesides of home, often strewed with the luxuries to which their lives will in future be strangers, to the occupation and use of those who are less able to make a name and fortune for themselves, or who are less ambitious to do a work that shall signalize them among those who are benefactors of their fellow creatures.

They are those who retreat from the

pleasant haunts of youth, often sundering ties dearer than life to become a humble citizen of the great, the unbounded, the glorious West. Such heed not labor, toil, or privation, they are ever ready to meet the disappointment or success, and in this great school every day they receive a new lesson, and early become the true judges of human nature, the real philosophers of human phenomena. Such a class of men can never be oppressed or borne down with servility or tyranny in any form, and of such are and will be the most intelligent and exalted statesmen of this continent.

For 20 years have we been on the trail of the frontiers-men; and for that time have we ever noticed that among the early settlers may be found the men who will dare anything and who are capable of everything. Such men, tho' as tame as a summer flower, and as submissive to right as is the ox to his owner; still no men are better judges of right than themselves. They know the country, the locality, the wants and necessities of the people in their rude manners and customs, and there are no other class of men more capable of making laws or governing a country.

We have noticed with some degree of interest the seldom failing practice by the chief executives of our Nation, of appointing for the new territories men from countries far removed, that know little or nothing of the people over which they are to exercise a brief authority. Men whose tastes, habits, peculiarities, predilections, and views have been directed in a channel far different, and altho' they may be numbered among the best of men, they may be quite unfit for the position assigned them and unable to bear up physically under the great changes they are forced to undergo.

No, we assert it boldly and with a firm conviction of the correctness of our position. The Pioneers should for their Governor have a good, plain, practical, frontier man, one who is not afraid of the heat of summer or the frosts of winter, that can sup from a prairie dog and still be a statesman. One whose talent and good sense is as discernible in the rude cabin as the princely mansion. One who knows the people over which he is placed, as well as their wants and necessities.

Give us such a man for Governor, and to such a one the people, the hardy pioneer, the energetic squatter, will subscribe with all their heart and soul. We look not at

the outside; the roughest covering often hides the most brilliant gem, or the mine of wealth. Give us the men schooled in storms, or opposed by hurricanes of adversity. Such men are firm and unwavering in purpose and are worth a thousand band-box or silk stocking gentry.

On the 18th of October the death of Governor Burt, at the mission house in Bellevue, was officially announced by Acting Governor Cuming. The proclamation of that death was the first executive act.⁷ Thus the beginning of the life of a state which is indestructible was the official announcement of the death of its principal citizen, who saw only possibilities where others of his time and generation are permitted to experience great realities.

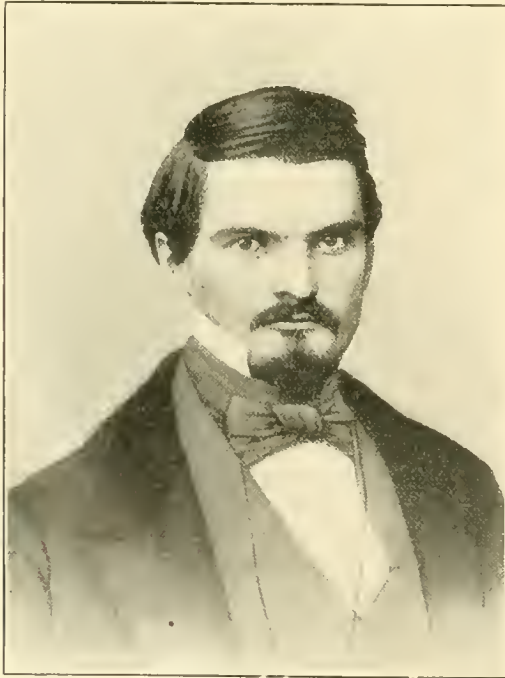
Acting Governor Cuming was thirty years of age, a swarthy, compactly built man, with a head and features that plainly bespoke power of will, sagacity, and courage. He was about five feet eight inches in height, and weighed perhaps one hundred and thirty pounds. His hair was dark and as straight as that of an Indian. His black eyes, flashing energy and determination, possessed also that charm which sturdy and intellectual training so largely contribute. He was a thoroughly educated man, a graduate of the University of Michigan, for entering which he had been carefully and rigorously prepared in Latin, Greek, and mathematics by his father, the Rev. Dr. Cuming, a distinguished clergyman of the Episcopal church in the Peninsular state. With a fine aptitude and versatility, Governor Cuming had entered journalism zealously for his life calling, and was, when appointed secretary, editing the *Dispatch* at Keokuk, Iowa.⁸ No executive of the territory or state perhaps has equaled him in ability; and no documents from the executive office have been couched in better English than those he put forth.

Mr. Cuming's appointment as secretary of the territory was doubtless due to the potent influence of Iowa politicians added

⁷ *Laws of Nebraska, 1855-1857*, p. 41.

⁸ Personal recollections of J. Sterling Morton.

to that of Lewis Cass of his native state. His oath of office as secretary was administered August 3, 1854, by Peter V. Daniel, associate justice of the Supreme Court of the United States, and he arrived in the territory on the 8th of the same month. To the task of evoking political order from the chaos he found, he was quite equal—his enemies said more than equal. In few of our commonwealths has the framing of the state fallen to men of such large ability as were the framers of political Nebraska; and in point of ability Thomas B. Cuming should doubtless be named with the half dozen or



THOMAS B. CUMING

First secretary and twice acting governor of Nebraska territory

less of the first class. In executive capacity and aggressive force, in the judgment of some of his ablest contemporaries, he excelled them all. Two of those contemporaries have expressed the opinion, independently of each other, that if Cuming had gone to the Civil war he would have become a distinguished general.⁹ In audacity, and in his methods in general, he was Napoleonic. The difficult knot in which he

found the question of temporarily locating the capital of the territory, which an ordinary man would have striven in perplexity to untie, he cut with an Alexandrian stroke, and his generalship in the campaign for formally and legally fixing the seat of government at Omaha was of the same order. By like methods he went about the task of organizing orderly government out of the chaotic material he found.

Bribery and other forms of corruption in the settlement of the capital question were freely and vociferously charged, and are credited as a matter of course by the survivors of those strenuous times. The partisans of Bellevue pushed as her superior claims seniority and the intent of Governor Burt, the real executive. At the third session of the legislature a well-distributed committee of the council, composed of Jacob Safford¹⁰ of Cass, Dodge, and Otoe counties, Samuel M. Kirkpatrick of Cass, and William Clancy of Washington, in their unanimous report in favor of relocating the capital, said:

When the first governor arrived in this territory he found but one place entitled to the name of village, even, anywhere north of the Platte river. The town of Bellevue, the first town-site north of the Platte, was the place where it was known it was his intention to locate the capital. His death, however, left the matter in other hands, and the capital was located at its present site. Your committee are loth to say what influences are universally believed to have been brought to bear in inducing the present location. It is sufficient for them to say that the people of the territory are by no means satisfied with the location or with the means by which it was located, and still less by the means by which it has been kept there.¹¹

Omaha was exactly midway between the north and south limits of population at that time, and nearer the center of the north and south limits of the prospective and now actual state than Bellevue. Distances east and west were of little consequence because

⁹ Personal recollections of James M. Woolworth and Dr. George L. Miller.

¹⁰ Safford was a resident of Otoe county.

¹¹ *Council Journal*, 1855-1857, p. 25.

it was thought that for an indefinite time to come the country would not be settled more than forty miles westward from the river. Regard for the sentiment of the people and for superior eligibility as a site for a city and as a point for a railroad crossing certainly would have made Bellevue the capital. But the population was so small and so shifting that this consideration was of little consequence. The new order of man-made cities was soon to be illustrated in Omaha herself, so that the priority argument for Bellevue had little weight.

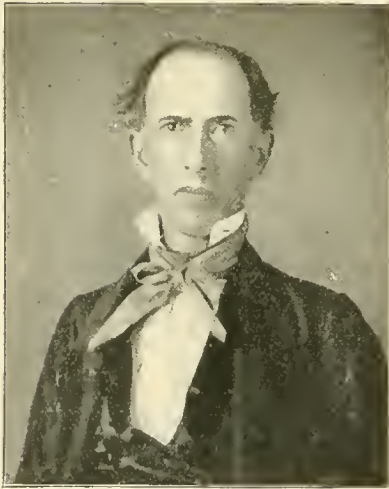
It is a truth or abstraction of small practical consequence to say that Acting Governor Cuming should have convened the first legislature at Bellevue in accordance with the decision of Governor Burt, though there was at most none other than a moral obligation to do so. It would be more to the purpose to say that Acting Governor Cuming should have fairly apportioned the members of the first legislature, so that the South Platte, or anti-Omaha settlers would have had the majority to which they were entitled. In that case the legislature would perhaps have located the capital at Bellevue where it would have remained, not unlikely, to the present time, and where the Union Pacific bridge and terminals would have followed it. In other words, Bellevue would have taken the place of Omaha as the commercial capital of Nebraska, but more than that, for an indefinite time would have been the political capital also. But we say "perhaps," because the same potent Iowa influence, focused at Council Bluffs, which after years of effort had compassed territorial organization and made Nebraska a separate territory, might have prevailed in spite of any adverse initiative of the governor. To contemplate this might-have-been, to conjure in the mind the splendid dual capital which might have adorned the beautiful site—the most beautiful as well as the most eligible of the available sites—of the now deserted village is perhaps idle

speculation, or at most a fascinating fancy. But to relate the facts and interpret the motives which contributed to this important incident in the beginning of a commonwealth is legitimate history.

On Saturday, October 21st, the governor issued the second proclamation which announced that an enumeration of the inhabitants of the territory would begin October 24th, the purpose of the notice being to enable persons who were temporarily absent from the territory to return in time for the census. The third proclamation, dated October 26th, gave instructions as to the duties of the six deputy marshals who were to take the census in the six districts into which the territory had been divided for that purpose—the first three lying north and the last three south of the Platte river. According to the instructions the work was to be completed by the 20th of the following November and returns to be made to Mr. Lindley, postmaster, Omaha City, or to the governor, at the mission house, Bellevue. The governor appointed as enumerators Joseph L. Sharp, first district; Charles B. Smith, second district; Michael Murphy, third district; Eli R. Doyle and F. W. Symmes, fourth district; Munson H. Clark, fifth district; Charles W. Pierce, sixth district.

The fourth proclamation, made November 18, 1854, appointed Thursday, November 30, as a day of thanksgiving. The fifth, dated November 23, 1854, promulgated rules for the elections. The sixth executive document, pertaining to territorial organization, issued November 23, 1854, proclaimed that elections should be held December 12, 1854, to choose a delegate to Congress and members of a legislature which was to meet January 8, 1855. The seventh proclamation, issued December 15, 1854, authorized a special election at Nebraska City on the 21st of that month to fill the vacancy in the council left by a tie vote cast at the regular election. On the 20th day of December the last two proclamations

pertaining to territorial organization were issued, one convening the legislature at Omaha, and on the 16th instead of the 8th of January, 1855; the other announcing the organization of the judiciary system, and designating judges of probate, justices of the peace, sheriffs, constables, and clerks for the several counties, and in the same proclamation the three judges were placed. Chief Justice Fenner Ferguson was assigned to the first district, comprising Douglas and Dodge counties; Justice Harden to



JUDGE EDWARD R. HARDEN

the second, embracing all of the counties south of the Platte river; and Justice Bradley to the third district, comprising the counties of Burt and Washington. Judge Ferguson arrived in the territory October 11, 1854, and the next day took the oath of office before Secretary Cuming "at the town of Bellevue." Judge Bradley arrived October 14th, and took the oath before Judge Ferguson at Omaha City, October 28th; Judge Harden arrived December 1st, and took the oath before Judge Ferguson at Bellevue, December 4th. Attorney General Estabrook arrived at Omaha City, January 22, 1855, and took the oath before Secretary Cuming. Marshal Izard arrived October 20th, and took the oath before Judge Ferguson at Bellevue, October 24th. The

Palladium of December 6th gives this account of Judge Harden:

Hon. Edward R. Harden, one of the associate judges of Nebraska, accompanied by the clerk of his court, M. W. Riden, and J. H. White, Esq., of Georgia, arrived at Bellevue, December 4. The judge is a middle-aged man, spare in person and to appearance quite feeble in constitution—his manners, dress and equipage all bear the stamp of democratic simplicity and economy. He is courteous in manner, agreeable and affable in conversation. . . .

On the 23d of December the governor called for two volunteer regiments for defense against the Indians.

The date marks of these state papers show that the executive office was wherever the governor happened to be when he desired to perform an executive act; and they faintly suggest that the aspirations and hopes of each hamlet to become the capital were delicately nurtured, or at least not inconsiderately or prematurely blighted.

Giving a strict construction to the provision of the organic act that nothing therein contained "shall be construed to impair the rights of person or property now pertaining to the Indians in said territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory, which by treaty with any Indian tribe, is not without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory," he had aimed to include in these districts only such territory as had been actually relinquished by the Indians. But doubt as to the scope of this restriction having arisen, on the 1st of November Governor Cuming addressed a letter to the commissioner of Indian affairs asking whether he had done right to restrict election privileges to those actually within the Otoe and Omaha cessions and to exclude "the traders and others northward of the Blackbird Hills, who by the intercourse act of 1834 have been given special privileges, or those in any other part of the territory who are

living on Indian lands not yet ceded, but to restrict all election control within the Omaha and Otoe cessions, reaching north to the Aoway river, south to the little Nemaha river, and west to the lands of the Pawnees."

"Some of the territorial officers and many of the citizens," he said, "contend that election precincts should be established over all the territory wherever white men (traders and others) reside — comprising the Sioux, Blackfeet, Crows, and other tribes. Others are of the opinion that such election privileges should only be enjoyed by the settlers within the Omaha and Otoe cessions where it is now understood that the whites have the authority of the government to make a permanent residence." The commissioner was asked to "state also whether there is any neutral or United States ground south of the Platte river, south and west of the Otoe and Missouri cession, where an election precinct may be made."

The commissioner, Mr. George W. Manypenny, answered that,

Where there has been no cession made by an Indian tribe, as has not been done by the Sioux, the Blackfeet, the Crows, the Poncas, and some others, any exercise of authority for territorial purposes by the government would be in my opinion in contravention of the proviso of the act organizing the territory.

To Governor Cuming's second question the commissioner replied:

The country west of the half-breeds and south of the Platte river west of the Otoe and Missouri cession and bounded on the north by the Platte river as far back as 101 degrees west longitude, and from that point in a southwesterly direction to the line dividing Kansas and Nebraska near the 103d degree is of such character.

In accordance with the commissioner's opinion the governor sent Deputy Marshal Jesse Lowe to spy out this "United States ground" to the southwest. The only record we have of the object and result of this investigation is contained in Marshal Lowe's report of December 10, 1854:

To Acting Governor T. B. Cuming:

Sir: Having been sent by you to establish what is called Jones county, bounded as follows, commencing 60 miles west from the Missouri river at the north corner of Richardson county; thence west along the south bank of the Platte river to the 101st degree of west longitude; thence southwesterly to the boundary between Kansas and Nebraska at the 103d degree of west longitude; thence along said boundary to the southwest corner of Richardson county; and thence to the place of beginning, and instructed to apportion to said county one representative or more as the number of inhabitants should require, (I) respectfully report that by ascertaining from satisfactory information that there are no voters in said county unless a few living in the neighborhood of Belews precinct in Richardson county, and who would naturally vote at said precinct, and believing furthermore from satisfactory information, that Richardson county has been given more than her just representation, I am of opinion that no apportionment should be made for Jones county.

Very respectfully,

MARK W. IZARD, marshal,

By JESSE LOWE, deputy.

Governor Cuming sent the following curious announcement:

Omaha City, Nov. 30, 1854.

To Editors Newspapers:

Dear Sir: The deputy territorial marshal has been sent below the "Platte" in the neighborhood of "the Blues" to establish a new county.

The notices of election in the census district above the Platte, (Bellevue and Omaha) will not be circulated until he can be heard from as it will be impossible until then to correctly fix the apportionment, which is limited by law to a certain number for the whole territory.

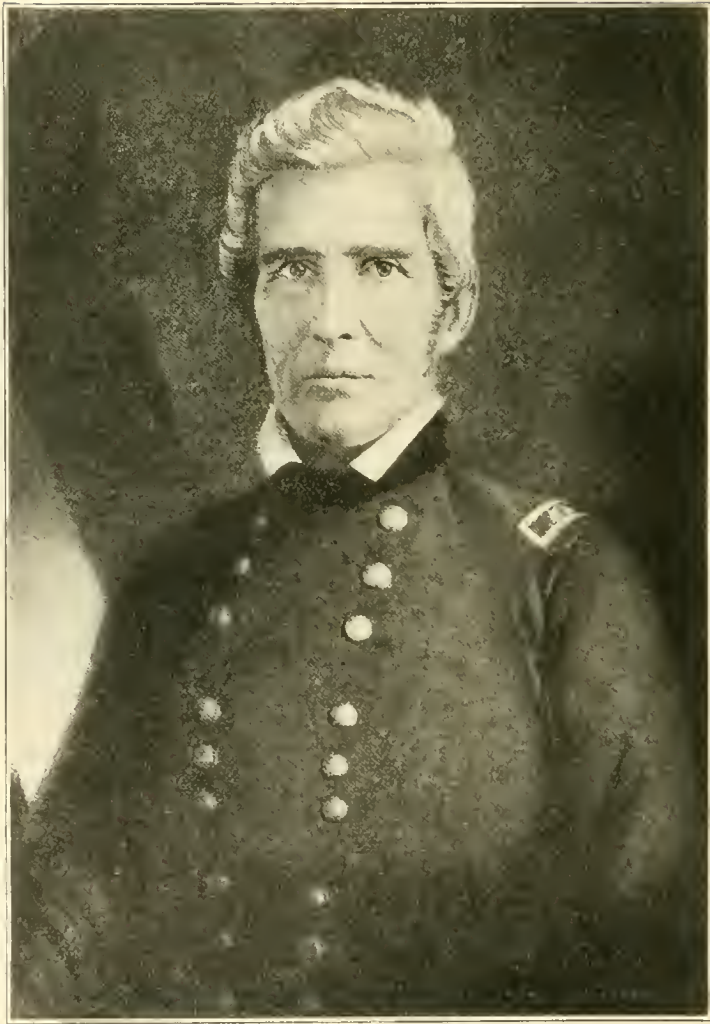
It will be well to make this announcement public. The other counties have received their apportionment and this is the only district in the territory where this course will be pursued, it being the most compact and least subject to injury by delay.

Respectfully yours,

T. B. CUMING,

Acting Governor of Nebraska.

ELECTION PRECINCTS. The inference from this communication is that the governor intended to cut the Douglas county represen-



GENERAL WILLIAM ORLANDO BUTLER

The first white man to be appointed to official position in the government of Nebraska territory

tation cloth to suit the whole garment after it should be completed by the attachment of that part on "the Blues," just as he evidently entirely disregarded Mr. Sharp's comprehensive count of Richardson county, quite in accordance with the suggestion or warning of Deputy Marshal Lowe.

It was at once freely and forcibly charged by the enemies of Governor Cuming, who appear to have been nearly identical with those who opposed the location of the capital at Omaha, that this first census was doctored, with fraudulent intent, in the interest of Omaha. Though at the beginning of the session the governor, in compliance with a resolution of the house, moved by Mr. Decker of Nebraska City, had furnished copies of the census returns to that body, they are not now in existence. That there were gross falsifications and other irregularities in this census there is no doubt. These legislative districts were gerrymandered by Governor Cuming in the interest of Omaha, and there is only one motive that may be assigned therefor. The interests of a coterie of enterprising Iowa speculators who had gathered in Council Bluffs, and some of whom were camping in expectation on the site of Omaha, required that the capital should be located there, and they set about to reach their end by much the same means and methods as always have been employed for like purposes. They won, as was inevitable, on account of the great superiority of their resources. If Governor Burt, who, being a southern gentleman of the old school, would have been proof against these means and averse to these methods, had lived, his initiative might have drawn this Iowa influence to Bellevue. As governors of new territories go, Burt was the exception and Cuming the rule; more of them act as Cuming acted than as Burt would have acted—though few would act in like circumstances with a vigor so naturally effective and so little impaired by nicety of moral scruple or conventional restraints.

THE FIRST CAPITAL CONTROVERSY. The

story of the proceedings in the capital contest rests mainly upon personal recollection and tradition. It is doubtless true that Governor Cuming demanded of "Father" Hamilton one hundred acres of the section of mission land at Bellevue as the price for designating that place as the capital. It would doubtless have been difficult to alienate this land at all, since the board of missions did not receive a patent for it until 1858. "Father" Hamilton seemed to be filled more with the fear of the Lord than of losing the capital, and the reader of the *Palladium* gains an impression that its editor, Mr. Reed, was too much possessed by a sense of the righteousness of Bellevue's cause to be willing or able to meet her opponents on their own morally less defensible but practically far stronger grounds. The moral suasion of these good people of Bellevue was not backed up with material arguments sufficient to meet those of the Council Bluffs and Nebraska Ferry company, which not only represented but constituted Omaha's interests.

Under authority of the organic law Governor Cuming had divided the inhabited portion of the territory into eight counties, and after the census had been taken he apportioned the several counties into legislative districts.

Friends of Bellevue read in this apportionment the doom of their hopes for the capital, and it was the first overt act of the bitter war between the North Platte and South Platte sections which lasted until the chief cause of the quarrel was removed by the removal of the capital to Lincoln in 1867. It is seen that twenty-one members were awarded to the counties north of the Platte and eighteen to those south of that river. It was strongly contended by the people south of the Platte that their section was the most populous, and the governor's own census gave it 1,818 inhabitants as against 914 in the northern section. The census showed 516 voters—that is, males over twenty-one years of age—south, and 413 north of the Platte. But during the final

debate in the house on the 25th of January, in which, for some reason, Governor Cuming was allowed to speak, he said that there had been some misrepresentation regarding his acts which he wished to correct; that he had found, after careful examination of all the census returns, that the greatest population was north of the Platte, and he had given that section representation accordingly. He said the poll books and census returns were free for investigation by members. But the abstract which he certifies flatly contradicts him. In the same debate Mr. Poppleton also alleged that the census returns gave the North Platte the greater population.

Deductions from the figures of the first census and the abstract of votes of the first election are contradictory, and according to the vote the governor's apportionment as affecting the two sections was not grossly inequitable.

The following table gives the actual apportionment of representation to the several counties as made by Governor Cuming—the apportionment as it should have been, based upon population, and as it should have been, based upon the votes actually cast. The counties which are grouped together correspond approximately to the census districts in which they were situated. The vote taken is that cast for candidates for delegate to Congress:

ANALYSIS OF APPORTIONMENT

COUNTY	Population	Votes cast	COUNCIL		HOUSE		Ratio of actual apportionment to vote	
			As apportioned On basis of vote	On basis of population	As apportioned On basis of vote	On basis of population	Council	House
Richardson.....	851	38	1	4	1	8	1 to 38	1 to 19
Pierce {	614	188	3	3	3	6	1 to 63	1 to 37
Forney {		42	1	1	3	1	1 to 42	1 to 21
Cass.....	353	130	1	2	4	3	1 to 130	1 to 65
Douglas.....	645	297	1	5	8	10	1 to 74	1 to 37
Dodge.....	106	14	1	1	1	1	1 to 14	1 to 7
Washington {	163	34	1	1	1	1	1 to 34	1 to 17
Burt {		57	1	1	1	1	1 to 57	1 to 28
Totals North Platte.	914	402	7	7	4	11	1 to 57	1 to 25
Totals South Platte.	1818	398	6	6	9	12	1 to 66	1 to 36

By the census of 1855, taken about ten

months after the first one, the population was found to be 4,494, with 1,549 north and 2,945 south of the Platte river. It is probable that in the meantime the relative increase of the North Platte section had been greater than that of the South Platte, on account of the drawing influence of the newly made capital; so that the contention of Governor Cuming that the North Platte section had a greater population than the South Platte not only involved the utter repudiation of his own census, but seems to be inconsistent with the weight of the evidence upon that point. There is no doubt that the vote of Burt county was largely "colonized," since it was known that there was no bona fide population there. And the same machinery that so successfully imported voters into Burt was, not unlikely, quite as effective in the case of Washington and Douglas counties. Governor Cuming disregarded the palpable overcount in Richardson county, and apparently the basis of his apportionment there was not far from correct, since the county showed a population of 299 by the regular census of 1855. If he had eliminated the population of Richardson by the first census—851—the South Platte would still have been in the lead, according to his census, by about 100.

The *Bugle* of Council Bluffs, mouthpiece of the Iowa exploiters of Omaha, in an article scolding the *Palladium* for its chronic squealing, offers the following justification of Cuming's course:

We have been a quiet looker-on whilst the struggle for the capital has been going on between four land companies, each sure that their special point was designed by nature for the great western mart, and the capital of a new and important state. Foremost upon this list was Bellevue, the proprietors of which loudly claimed the right by precedence, being the earliest settled place, etc. Nebraska City claimed it from being handsomely located, and Winter Quarters by its most central position, whilst Omaha claimed the capital by right of her early industry in making by far the greatest amount of improvements, from being the most populous and convenient place, and as offering the

most conveniences for the coming session of the legislature. Although as yet there has been no improvements or buildings going on at Bellevue the town owners have constantly claimed all the advantages, merit and consideration, leaving nothing for Omaha or any other place. Before Mr. Cuming arrived here we knew that he was prepossessed with a conviction that Omaha must be the place for the present seat of government, and at the death of the lamented Governor Burt he had not changed his mind. Consequently he could not have been influenced by unworthy motives in selecting Omaha as the present capital. Finding congenial and equally disappointed parties south of the Platte they have leagued to slander, villify and misrepresent Mr. Cuming abroad, and are making strenuous exertions for his removal from office, by petitions and private letters.

But the *Palladium* had pointed out that:

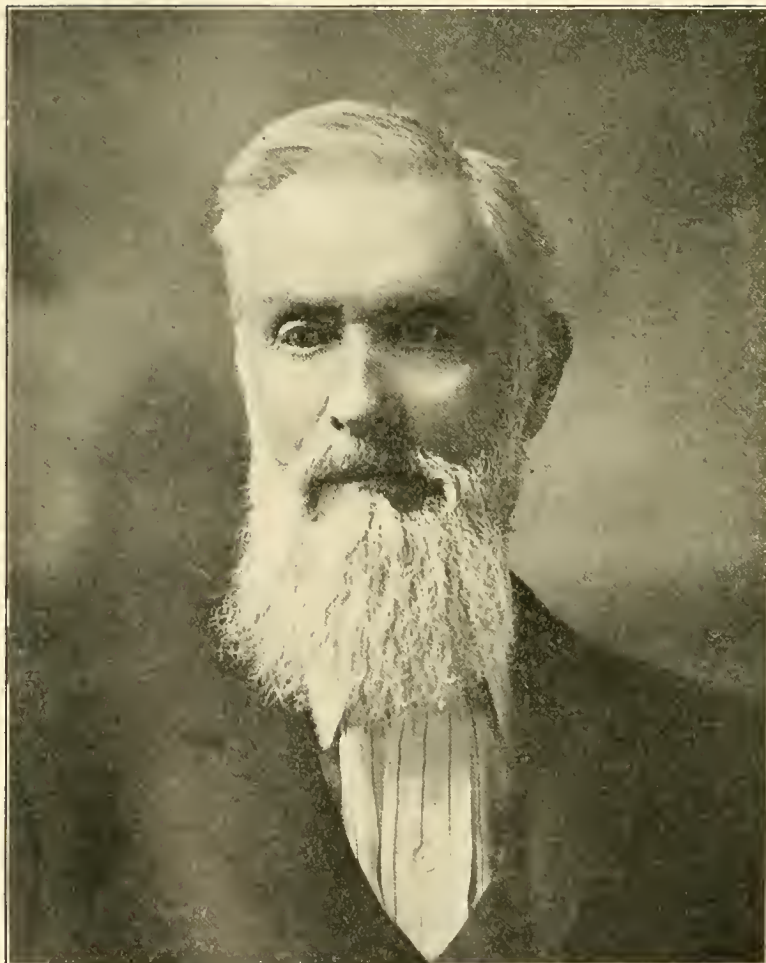
The doors of the Mission are open to receive the legislature, if it is called here, and we hazard our reputation upon the assertion that equal accommodations can not be offered elsewhere in Nebraska before the 8th day of January, 1855. This house was built under difficulties such as had disappeared long before Omaha was thought of; most of the lumber having been sawed by no other aid than hand labor. Now according to the principles upon which our anxious neighbor thinks ought to control the location of the capitol, it would be located here.

Governor Cuming did not issue his proclamation convening the legislature at Omaha until December 20th, but the Bellevue contingent had anticipated his recreancy to their cause some time before, and a gathering of citizens there on the 9th of that month to further the interests of Bellevue in the capital contest, which Cuming attended, was turned into an indignation meeting. At this meeting Governor Cuming is quoted as saying that he had made up his mind two weeks previously to locate the capital at Omaha, but owing to attempts improperly to influence him in favor of that place he had changed his mind and was then in doubt. But if Bellevue would nominate a candidate for the council and two for the house, pledged to sustain his administration and

not to attempt to remove the capital from the place of his selection, he would give Bellevue a district by itself, otherwise that nervous aspirant would be included in the Omaha district and be swallowed up by it. The *Omaha Arrow*, published at Council Bluffs by residents of that place, and which was also the actual residence of Governor Cuming, announces, November 3d, that "the work on the State House here goes briskly on. It will be ready for the accommodation of the body for which it was intended before the middle of next month"; and on the 10th of November that, "the contractor of the State House assures us the building will be ready by the first of December." Even if Governor Cuming himself, at Bellevue, had lost faith in his intention to locate the capital at Omaha, his Council Bluffs neighbors had not, and they kept pushing their preparation for it to perfection.

These Bellevue people either considered that they had no chance, and could afford to play the role of indignant virtue, or they were very poor generals; for by responding to the governor's finesse they might have had three militant members directly representing them in the contest in the legislature. But they threw dissimulation to the winds, and Mr. A. W. Hollister insisted that he had seen the original of a compromising letter, apparently written by Cuming, and which in some unexplained way had come into possession of his enemies, and he was certain of its authenticity.

At this juncture Governor Cuming, in a fierce passion left the meeting and thereby placed upon Bellevue the perpetual seal of "the deserted village." Mr. Hollister then proceeded to aver that Major Hepner, Indian agent, would swear to the genuineness of the signature to the letter, and to spurn with contempt the propitiatory offering of the governor. Stephen Decatur and Silas A. Strickland followed in a like intense and grandiloquent strain of indignant patriotism and offended virtue, in which rather more than due rhetorical justice was done to "the



Fred Renard

[NOTE — Fred Renard was an early farmer and miller of Burt county, Nebraska]

tyrant Charles the First" and to "the great charter of our own liberties."

Soon followed mass meetings in many places in the South Platte district for the purpose of denouncing Governor Cuming. The meeting for Pierce county was held December 15th, at Nebraska City, and it passed resolutions charging Cuming with "seeking only his own aggrandizement, with neglecting to reside within the limits of the territory but keeping the actual seat of government in a foreign city," and that he "is no longer worthy or capable of discharging the duties that have accidentally devolved upon him, and his longer continuance in office would be an insult to the people of the territory." The resolutions invited the citizens of the territory to meet in delegate convention at Nebraska City, December 30th, "to select some suitable person to recommend to the president of the United States for appointment to the governorship of this territory." The climax of the proceedings of the convention was a resolution commending the people of Bellevue "for their Christian forbearance toward Governor Cuming in not offering him personal violence for as gross an insult by him as could be offered by a tyrant to a free people, in refusing to give them a separate district and allowing them to elect members of the legislature, unless they would pledge themselves to elect such men as he should dictate."

A meeting for a like purpose was held at Brownville in Forney county, December 12th, and another at Bellevue, December 28th. In this meeting the two Mortons, destined to long careers in the territory and state, took important parts. Thomas Morton was chosen chairman, and J. Sterling Morton, one of the three delegates to the territorial convention. Here the latter performed his first public act in the commonwealth which was to be distinguished as the scene of his public activity for near half a century, and where his personality was to be impressed on the institutions and the life of the people. Mr. Morton was as prompt in

taking this active part in public affairs as he was afterwards ceaseless in pursuing it. Only three weeks before this meeting the *Palladium* contained the following modest but, in the light of subsequent events, important notice:

J. S. MORTON

This gentleman, formerly associate editor of the Detroit *Free Press*, and lady arrived at Bellevue on the 30th ult., where they intend to settle. Mr. Morton is a man of ability and an able writer, and having had the good sense to select one of the most beautiful locations for his residence as well as one of the most strongly fortified points, in a political view—he will no doubt be an important acquisition to the territory and to this community.

Nevertheless, within only two months, this most strongly fortified political point yielded to the siege of the Omaha forces, and was so completely razed that Mr. Morton was prompt to evacuate it and take a new position at Nebraska City, which he occupied with distinguished courage, enterprise, and honor for forty-seven years.

By a previous notice in the *Palladium* it appears that Mr. Morton himself had visited Bellevue on the 13th of November. The old settler is only able now to point out the approximate site of the log cabin which was the home of the young couple, married somewhat less than a year, when they left with the ebbtide of Bellevue's fortunes for the more promising location.

In the delegate convention at Nebraska City, held December 30th, five counties—Cass, Douglas, Forney, Pierce, and Richardson—were represented by nineteen delegates; and of course the Douglas county delegates, Stephen Decatur, J. Sterling Morton, and Geo. W. Hollister, were all from Bellevue. J. H. Decker of Pierce county (speaker of the house in the legislature which retreated from Omaha to Florence in a subsequent capital controversy), was chairman, and Geo. W. Hollister of Bellevue and A. M. Rose of Pierce county were secretaries. Mr. Morton was chairman of the committee on resolutions, and this first of-



Rachel Snowden



W P Snowden

[NOTE—W. P. Snowden was for six years an early city marshal of Omaha]

ficial function in territorial affairs in Nebraska we may be sure he performed without dissimulation or self-repression. The resolutions went straight to the mark—his mark—which, in the nature of the men, Cuming had already become:

Whereas, we believe that, in order to attain the ends of just government, the executive power should be vested in upright and honorable men; and whereas, we believe that that power, when confided to unprin-

ing Governor Cuming, is an unprincipled knave, and that he seeks rather to control than consult the people.

Resolved, 3d, That he, the said acting governor has, by his own acts, secret ones now exposed, as well as those which he has openly avowed, convinced us of the truth of, and invited us to pass the above resolutions.

Resolved, 4th, That, recognizing the right of petition as the prerogative of all free citizens of the United States, we do hereby petition His Excellency, Franklin Pierce, President of the United States, to immediately remove the said Cuming from the acting governorship.

Resolved, That we, also, because of the reasons hereinbefore stated, petition for his removal from the secretaryship of this territory.

Resolved, That the secretaries of this convention forward a copy of these proceedings to every newspaper in Nebraska for publication, and every paper containing them, with a written copy, to the president of the United States.

On motion,

Resolved, That we recommend Gen'l Bela M. Hughes of Missouri, for the office of governor, and Dr. P. J. McMahon of Iowa, for the office of secretary.

"After a long and spirited discussion," we are told, the resolutions were unanimously adopted.

The following letter from Acting Governor Cuming to President Pierce, dated December 13, 1854, illustrates the turmoil in which these territorial organizers were plunged:

DEAR SIR:

I understand that petitions are in circulation asking my removal from the office of governor. These petitions have been prepared and are being distributed by speculators whose fortunes have been marred by the location of the capitol. My only request is that if any charges shall be made I may not be dealt with without the opportunity of answering them.

You are aware that I have never sought my present position; but being called to it by the interposition of Providence I have not felt at liberty to neglect or postpone the organization of the territory. The protracted illness and unexpected decease of the late lamented governor left but a short interval for the decision of the vexed questions con-



From an unpublished copy of a daguerreotype taken in 1854, and now in the possession of Miss Emma Morton. This was taken on Mr. Morton's wedding day and just before he started for Nebraska to settle.

J. STERLING MORTON
At 22 years of age

principled knaves, who seek rather to control than to consult the people (whom we recognize as the only true American sovereigns) is always used to the advantage of the few and the oppression of the many; therefore,

Resolved, 1st, That Acting Governor Cuming is neither an upright, honest nor honorable man.

Resolved, 2d, That he, the aforesaid Act-

nected with that organization. Hence some errors may have been committed; but I especially solicit that my conduct may be subjected to the test of the most rigid scrutiny.

Great fortunes have been invested in rival points for the capitol, and the exasperation expressed and desperate persecution resorted to by the disappointed are not unnatural, and were not unexpected. I am prepared, however, to prove by letters and certificates that I have refused bribes and relinquished gratuities, and have located the capitol where my pecuniary interests were least considered, at a point which I believed would give satisfaction to the people and stability to the territorial organization.

My enemies expect to have a governor appointed whom they can influence to veto an act establishing the capitol at that point. I am writing to you, General, with frankness and confidence, and I desire to say that ever since the death of Gov. Burt I have hoped that someone might be appointed who would relieve me of the responsibility and risk confronting so many opposite and threatening interests. This has not been the case, and I have no alternative but to meet the storm and abide its results. Should another individual be chosen *after* those embarrassments have been surmounted, their unpopularity incurred, I trust that his appointment will not be permitted to be construed into a condemnation of my course, and shall be glad (if so requested) to present to you facts and certificates to overthrow the allegations of my enemies.

Trusting that your administration may continue to be crowned (as I believe it will) with success and the approval of the people, and that the strength which it has added to the republic may be fortified by the uprightness and efficiency of your officers, I remain,

Very truly and sincerely,

T. B. CUMING.

On the 9th of January, 1855, another anti-Cuming convention was held at Bellevue which contained at least three delegates from the North Platte country, E. R. Doyle of Fontenelle, Dr. B. Y. Shelley of Blackbird Hills, and J. C. Mitchell of Florence. The resolutions of the convention charged, among other things, that the acting governor was a non-resident of the territory, that his apportionment of representation was unjust, and demanded that the census

be taken again and that the territory be re-districted.

Mr. Mitchell, who was afterwards mollified by appointment as sole commissioner to locate the capitol in Omaha, made "a very interesting speech." He said that there was not population sufficient in Florence or in Burt or Dodge counties to entitle them to designation as an election precinct, so the governor made it up by causing certificates to be made up and signed by loafers in Council Bluffs. "The officer who took the census in Dodge county enrolled numbers in the grog shops of Council Bluffs. Omaha was supplied in the same way." On the other hand, he said, census officers on the south side of the Platte were required to cut down their returns so that, notwithstanding that this section had the greater population, the majority of the representatives should be from the north side. But this precaution or basis for consistency with which Mr. Mitchell credits Cuming seems inconsistent with the facts as well as with our estimate of Cuming's characteristics and our knowledge of his methods.

FIRST ELECTION. According to the Nebraska City *Press* of December 1, 1859, the following somewhat hackneyed story was still going the rounds of the eastern press. It is likely that it is a substantial statement of fact, and in any event it is typically true: "Mr. Purple, formerly conductor on the Western railroad and a member of the first Nebraska legislature, tells his experience in western politics as follows: 'Secretary T. B. Cuming said to me one morning: "Purple, we want a member from Burt county." So I harnessed up and took nine fellows with me from Iowa, and we started for the woods, and when we thought we had got far enough for Burt county we unpacked our ballot box, and held an election (in Washington county), canvassed the vote, and it was astonishing to observe how great was the unanimity at the first election held in Burt county.'" Purple had every vote and was declared duly elected.

There were four candidates for the office

of delegate to Congress: Hadley D. Johnson of Council Bluffs—but by proxy of Omaha City—who, we have seen, had gone across the river to Bellevue in 1853, to be elected provisional delegate to Congress; Bird B. Chapman, just arrived from Elyria, Ohio, in search of a political career; Napoleon B. Giddings of Savannah, Missouri, who, it is alleged by contemporaries never even pretended citizenship in Nebraska; and Joseph Dyson, who strove to create a wave of public sentiment which should carry him

zen of the United States. The *News* then makes the following statement as to the residence of Chapman and Giddings when they were candidates for the office in question:

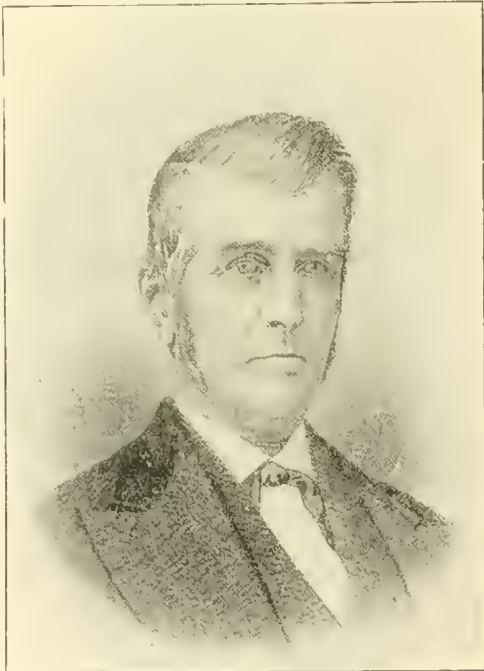
The "oldest inhabitants" of the territory will doubtless recollect that two delegates from this territory had no other qualification. N. B. Giddings, the first delegate, was a citizen of Missouri, and came into the territory only about two weeks before the election, and then brought no other property with him except a carpet-bag. Bird B. Chapman, the second representative of the territory, was at the time of his election a citizen of Elyria, Ohio. He never resided here at all. As far as citizenship here was concerned he had none; he represented us entirely on the strength of being a citizen of the United States.

A contemporaneous account of the "Quincy colony"—the first name of the settlement at Fontenelle—incidentally explains the curiously solid vote of Dodge county for Abner W. Hollister; and at the same time illustrates the isolation of the various early settlements:

To the credit of the interesting colony their election was carried on without the aid of intoxicating drinks and hence the unanimity that prevailed. The good people of Fontenelle, not having heard of the withdrawal of Mr. Hollister from the canvas, voted for him as a representative of the interest which they are laboring to secure.

Our Puritan editor characterized these colonists as "enlightened and influential men, and above all, men of high moral endowment." Governor Cuming gave this solid fourteen a representation in the legislature of one councilman and two members of the house. It may be doubted that our censor of the *Palladium* would have made his certificate of character quite so sweeping after two of the three members from Fontanelle had voted to locate the capital at Omaha. He was justified, however, to the extent that J. W. Richardson, the secretary of the colony, and who, we may assume, was representative of its peculiar virtue, voted against Omaha and so against his section.

The editor of the first newspaper printed in Nebraska was temperamentally fitted for



NAPOLEON B. GIDDINGS
First delegate to Congress from the organized
territory of Nebraska

into the coveted office by exploiting more advantageous land laws. The abstract of the vote illustrates the early sectional alignment of voters, and also the fact that it did no harm to a candidate in our border counties to hail from Missouri.

To refute the charge that Judge Kinney was ineligible to the office of delegate to Congress because he was not a resident of the territory, the *Nebraska City News* calls attention to the fact that the organic act required only that a delegate should be a citi-

feeling that he carried the full weight of responsibility for the task of properly laying the foundations of the new state. This is shown in his account of the coming and pathetic leaving of the first chief magistrate. The governor and his party arrived at Bellevue on the 6th of October.

Governor Burt's Personal Appearance. His arrival was unheralded and unostentatious—his dress, equipage, manner and appearance indicated a disposition to respect those fundamental principles of republican simplicity which constitute the groundwork, strength and beauty of our political and social system.

The governor is apparently nearly fifty years of age—a little above the medium height, well proportioned, simple and easy in his manners and expression. His countenance indicates the possession of those peculiar traits of character needed to secure the confidence and respect of the people who come to build up the institutions of liberty, harmony and Christianity upon this virgin soil, for so many ages past held in undisputed possession by its aboriginal owners—the children of the forest.

The governor was hospitably entertained by I. H. Bennet, Esq., of this place. The governor took lodgings at the office of the Indian Agency.¹²

The fact that the entertainer of the governor of the commonwealth was the blacksmith of the Omaha agency must have satisfied the editor's exacting democracy.

A meeting of the citizens of which George W. Hollister was chairman and Stephen Decatur secretary, was convened, and Lieut. Hiram P. Downs, Isaiah H. Bennet, and Stephen Decatur were appointed a committee to tender the governor a hearty welcome. The committee soon reported that the governor would be pleased to meet his friends on the following Monday. At the second meeting, on Monday, Abner W. Hollister reported that the governor was too ill to attend, whereupon Col. Joseph L. Sharp, "of Iowa," Hiram P. Bennet, also "of Iowa," the Rev. William Hamilton, and Major George Hepner made appropriate speeches.

The same issue of the *Palladium* gives this information:

The governor reached Bellevue in an en-

feebled condition, . . . his complaint being a derangement of the bilious system. After his arrival his complaint continued to increase in malignancy, until it was thought advisable to call for medical aid. Accordingly a messenger was dispatched to Messrs. McMahon & Williams, of Bluff City, who immediately sent for Dr. A. B. Malcolm, an accomplished physician, connected with them in his profession. . . The governor is now convalescent and it is hoped will soon recover from his prostration.



DR. CHARLES A. HENRY

On the 18th of October the *Palladium* announces that "the governor was slowly recovering from his prostration until the 12th instant when from improper annoyance from visitors, and perhaps unnecessary exposure of himself while in his enfeebled condition, his fever returned with an aspect sufficiently threatening to make it necessary to send for his physician." The public is assured that "the governor is comfortably situated at the Otoe and Omaha mission." On the 25th of October the *Palladium* gives an account of the governor's funeral. After the singing of an appropriate hymn Secre-

¹² Nebraska *Palladium*.

tary Cuming, "evidently under the deepest emotions of grief," made some appropriate remarks, and he was followed by Chief Justice Ferguson and the Rev. William Hamilton, who conducted the services. On the 20th an escort started with the body "for burial at the family residence in South Carolina."

Unappreciated Heroism. Thus were completed the preliminaries for lodging local civil government in a vast and unexplored region, upon a soil that had been untested by tillage, and in a climate untried as to healthfulness through permanent occupancy by civilized man. And now in the crucible of these conditions the courage and constructive capacity of the pioneers are to be put to test, and though never so severe it is not to find them wanting. Many, or most of them, had surrendered good homes and the associations of endearments of kindred and friends in other communities. The privations of frontier life were voluntarily sought only by men and women who had the courage, spirit, and ambition to give up agreeable environments in an old home for the purpose of founding a new one. From the days of the colonies in Virginia, New England, and New York, the best types of mankind, physically and mentally, and the strongest individuals of those types—those gifted with self-reliance and inspired by the spirit of self-denial—have penetrated new countries and opened them to the institutions of civilization. The dependent, the habitually gregarious, never strike out from parents, kindred, and the comfortable circumstances of settled social life to challenge the hardships of the wilderness. Only that civilization and those breeds of men capable of developing strong individuality and self-reliance can establish and maintain settlements remote from population centers. Self-reliance, self-control, and stability among savages are merely sporadic; consequently we find no traces of voluntary migrations for establishing permanent sovereignty and settlements by the Indians who preceded us upon these Plains. The strong characteristic of the pioneer is his ambition and zeal-

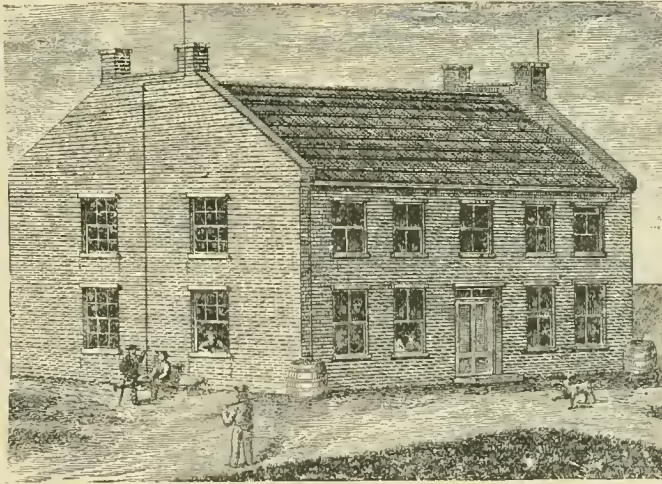
ous, enthusiastic work for tomorrow, his willingness cheerfully to endure hardships in the present that others may enjoy consummate satisfactions in future—satisfactions which he himself may never experience. There were genuine heroes among the openers and testers of the vast crust of soil which stretched from the river to the mountains. They worked tirelessly, with intelligence and directness, to demonstrate the value of constant productivity. Already the great majority of that peaceful and heroic band who first planted these prairies have folded their tired arms and lain down to everlasting rest. The story of their humble lives, their useful labors, their sacrifices, and their achievements has perished with their generation, and will not be told. As their cabins have been replaced by the mansions of followers, and the smoke of their chimneys has faded away into unknown skies, so have they gone from sight and remembrance. But their successes, achieved in that primitive and frugal Past, are the foundations of all the industrial and commercial superstructures which our Present proudly enjoys. As we walk the streets of a thronged metropolis we look in wonder and with admiration upon the splendid triumphs of modern architecture. Magnificent palaces of industry, reaching into the clouds and embellished with all the symmetry and grace which skill and taste can evolve, attract and entrance the eye. But we seldom give a moment's thought to the broad and strong foundations laid and hidden deep in the earth, which, with unquaking and stupendous strength, uplift and sustain all. The citizen of this prosperous commonwealth today beholds the superstructure of a state, but very infrequently are the founders and the foundations upon which it is erected ever brought to mind. Desire and ambition for achievements, instead of vital gratitude and reverential memory, occupy the mind and absorb the energy of the present generation. The pioneers in their graves are recalled only now and then by some contemporary who, perchance lingering beyond his time, tells stories of their courage and of their character.

CHAPTER VIII

FIRST LEGISLATURE — ADMINISTRATION OF GOVERNOR IZARD — LOCATION OF THE CAPITAL — LAWS OF THE FIRST SESSION — UNITED STATES SURVEYS — CLAIM CLUBS — INCORPORATION LAWS — NEBRASKA'S PECULIARITY — FIRST INDEPENDENCE DAY — JUDICIAL ORGANIZATION

FIRST LEGISLATURE. In accordance with the proclamation of Acting Governor Cuming, the first legislature of Nebraska territory convened at Omaha, Tuesday, January 16, 1855, at ten o'clock in the morning, in the building which had been erected for the purpose by the Council Bluffs & Nebraska Ferry Company. This company was incorpor-

seat of government contrary to the wishes of its real residents. It was fitting that Iowa capital and enterprise, which were to fix the seat of the government, should also temporarily house it. "This whole arrangement," we are told by the *Arrow*, printed in Council Bluffs, "is made without a cost of one single dollar to the government."



FIRST TERRITORIAL CAPITOL BUILDING OF NEBRASKA AT OMAHA.
33 x 75 FEET. COST ABOUT \$3,000.00

ated under the laws of Iowa, and Enos Lowe was its president. This Iowa corporation embodied or represented the Omaha that was to be; for the future metropolis then existed only in the imagination, the hope, and the ambition of its Iowa promoters. Iowa men had procured the incorporation of the territory and shaped it to their wishes; and an Iowa man had organized it into political form and arbitrarily located its temporary

This first tenement of organized Nebraska government was located on lot 7, in block 124, as platted by A. D. Jones, fronting east on Ninth street between Farnam and Douglas. The structure was known as "the brick building at Omaha City," indicating that it was the first building of brick in the town. It was occupied by the legislature for the first two sessions, and was afterwards used as the first general offices

of the Union Pacific Railway Company, until, in the fall of 1869, they were transferred to other quarters.¹

The first meeting house of the legislature is thus described by the disappointed but no doubt faithful contemporary chronicler of the *Palladium*:

First Capital Building. The building in which the session is to be held is a plain, substantial, two-story brick edifice, which we should judge was about 30 by 45 feet.



JOSEPH L. SHARP
President of the first territorial council

The entrance to the building is on the east side into a hall, from which the various state apartments above and below are reached.

As you enter the hall below, the representatives' room will be found on the left, and the governor's apartment on the right. A winding staircase leads to the hall above, at the head of which, upon the left, you enter the council chamber and the committee rooms on the right. The building is a neat and substantial one, but alto-

gether too small for the purpose intended.

The speaker's desk is elevated two or three steps above the level of the floor, and likewise that of the president of the council. The desks are well proportioned and tastefully finished.

The desks for the representatives and councilmen are designed to accommodate two members, each having a small drawer to himself, and a plain Windsor chair for a seat. The furniture, including the secretaries' and speaker's desks and chairs, is of the plainest character, and yet well suited to the purpose for which they were designed.

The size of the legislative rooms are so small that but very few spectators can gain admittance at one time.

We were struck with the singularity of taste displayed in the curtain furniture of the different rooms, which consisted of two folds of plain calico, the one green and the other red, which we took to be symbolic of jealousy and war—which monsters, we fear, will make their appearance before right is enthroned and peace established.

On the 13th day of October the *Arrow* tells us that, "But a few short months ago and not a sign of a habitation was visible upon the site where now are constantly in progress and will be completed, within another month, a town numbering some 175 or 200 inhabitants."

The legislature was composed of a council of thirteen and a house of twenty-six members. It cannot be said that a single member of this first legislature had a permanent footing in the territory, and many of them had not even "declared their intentions." But the men from Iowa were there in full force. Mr. J. L. Sharp, the president of the council, nominally from Richardson county, lived at Glenwood, Iowa, and never became a resident of Nebraska. Out of a total membership of thirty-nine at least five, namely, Sharp, Nuckolls, Kempton, Latham, and Purple never were actual residents of the territory, and many of the rest were mere sojourners—driftwood, temporarily stranded on this farther shore of the westward stream of population, but destined soon to be caught by its constant on-

¹ *Memorabilia*, Andrew J. Poppleton.

ward flow and carried off to the boundless country beyond.

The members of the first territorial council were Benjamin R. Folsom of Burt county, Lafayette Nuckolls of Cass county, Munson H. Clark of Dodge county, Taylor G. Goodwill, Alfred D. Jones, Origen D. Richardson, Samuel E. Rogers of Douglas county, Richard Brown of Forney county, Hiram P. Bennet, Henry Bradford, Charles H. Cowles of Pierce county, Joseph L. Sharp of Richardson county, James C. Mitchell of Washington county.

The first territorial house of representatives was comprised as follows: Burt county, Hascall C. Purple, John B. Robertson; Cass county, William Kempton, John McNeal Latham, Joseph D. N. Thompson; Dodge county, Eli R. Doyle, J. W. Richardson; Douglas county, William N. Byers, William Clancy, Fleming Davidson, Thomas Davis, Alfred D. Goyer, Andrew J. Hanscom, Andrew J. Poppleton, Robert B. Whitted; Forney county, William A. Finney, Joel M. Wood; Pierce county, Gideon Bennet, James H. Cowles, James H. Decker, William B. Hail, Wilson M. Maddox; Richardson county, David M. N. Johnston, John A. Singleton; Washington county, Anselum Arnold, Andrew J. Smith.

It does not require the full spelling of these Christian names in the record to safely conclude that there were three "Andrew Jacksons" in the house. The circumstance that this representation of strenuous names from the North Platte outnumbered that of the South Platte, two to one, might have had much to do with the success of the first-named section in achieving its heart's desire.

Hiram P. Bennet of Pierce county was chosen temporary president of the council, and it is his recollection that J. C. Mitchell of Florence nominated him for that office and put the question to the council. After temporary organization the council proceeded to the chamber of the house where the governor delivered the first message to the joint assembly. With characteristic imperiousness he first undertook to administer

the oath of office to the members. Mr. Bennet thinks that he required as a condition for taking the oath that members should have received certificates of election from him. At any rate three South Platte members, Bennet, Bradford, and Nuckolls, refused to take the solemn vow by the governor's sanction, and after the reading of the message both council and house acknowledged the irregularity of the proceeding by going through the ceremony before Judge Ferguson and Judge Harden respectively. This



HIRAM P. BENNET
President pro tem. of the first territorial
council

is the *Palladium's* unfortunately meager account of the first actual skirmish of the irrepressible and endless conflict between the North Platte and South Platte factions:

The acting governor made an attempt to get control of the council, but was peremptorily denied the privilege by the president (Mr. Bennet), by whom he was told that he had no business to do what he was attempting to do, and that he was not needed, and not wanted there, that he was not set in authority over that body, and that his pretensions could not be recognized by it.²

At the afternoon session Mr. Bennet, having become convinced that Mr. Sharp had

² Nebraska *Palladium*, January 17, 1855.

been playing both sides, and had agreed to transfer his support to the North Platte, refused to act as temporary president, and Benjamin R. Folsom of Burt county was elected in his place.

Messrs. J. L. Sharp and Hiram P. Bennet of the council were advertised as lawyers of Glenwood in the *Palladium*, during and after the legislative session, and that faithful chronicler of the doubtful deeds of all whom it classed among the wicked says that immediately after final adjournment the president of council "led off for Glenwood, Iowa, at about 2:40 on the first quarter." The ordinary restraints to the game of grab for the capital, which was organized at Council Bluffs soon after if not before the passage of the organic act, were lacking. These restraints are a settled interest in the community or state which the non-resident does not have, and the pride and fear of reputation which are invoked in public representatives only by the knowledge and fear that the eye of a real and responsible citizenship, with moral standards by which it will reach moral judgments, is upon them. It was to be expected, therefore, that the preparation for, and the first step in law-making should do violence to moral law.

Omaha promoters intended to make that place the capital, and with well-founded confidence they relied upon the Napoleonic Cuming to carry out their intention. The citizens of Bellevue had insisted that their settlement should constitute a separate legislative district. It far exceeded in numbers any other settlement excepting Omaha and Nebraska City. "There were two points in the county though lying side by side were actually heaven-wide apart in interest and feeling. No union existed between them any more than if an ocean rolled between. If there were any points in the territory needing a district representation, these were the ones."

Mr. Decatur, in arguing his case as contestant for the seat of Mr. Poppleton in the house January 31st, is quoted as saying that "In the original organization of Omaha

county, now recognized as Douglas county, there were two separate and distinct districts." The inference from this is that during the negotiations, or cross-bidding between Bellevue and Omaha, conducted by Governor Cuming, he had at first intimated or agreed that in the first organization Omaha City and Bellevue should be kept apart in distinct districts, and the county was to be named Omaha instead of Douglas. And so Mr. Decatur charges that, while the Nebraska bill makes it obligatory upon the acting governor to so district the county that each neighborhood should be represented, Bellevue is unrepresented.

By the governor's tactics, however, Bellevue was thrown into the Omaha district where her hostile vote was safely swallowed. But Bellevue voted for a distinct set of legislative candidates, and the tabulated vote is an interesting page in history.

Bellevue, determined to emphasize to the utmost her distance from her northern rival, threw most of her vote for delegate to Congress to a resident of the far South, Savannah, Missouri—Napoleon B. Giddings—while Omaha voted for Hadley D. Johnson, actually of Council Bluffs but constructively of Omaha.

The Bellevue candidates contested, or rather attempted to contest the seats of the Omaha candidates—who had of course received certificates of election from Governor Cuming. In the council they made a test of A. W. Hollister's claims. On the second day of the session, by a close vote of 7 to 6, Dr. Geo. L. Miller of Omaha was chosen chief clerk over Mr. Isaac R. Alden, the temporary clerk, who, being from Washington county and Florence, presumably was not sound on the capital question; O. F. Lake was chosen assistant clerk, S. A. Lewis, sergeant-at-arms, and N. R. Folsom, doorkeeper. Then Mr. Mitchell offered a resolution "that a committee of three be appointed to investigate the claims of A. W. Hollister of Douglas county to a seat in this body," which on motion of Richardson of Douglas was tabled. A similar resolution

on behalf of B. Y. Shelley of Burt county who, according to the returns, had received 25 votes against 32 for Folsom, the sitting member, met with similar treatment. An attempt of the anti-Omaha forces to take up these resolutions on the following day was unsuccessful. On the 24th a resolution by Mr. Folsom to inquire into the right of Mr. Mitchell to a seat, on the ground "that he is not now and never has been a citizen of Nebraska, but that he is a citizen of Iowa," was met by another from the other side making similar charges of non-residence against Folsom, Richardson, and Sharp, the president; and then came a resolution by Mitchell that Goodwill of Douglas was ineligible because he was a resident of New York, and another by Goodwill charging that Nuckolls of Cass was a minor. These resolutions were all referred to the committee on elections from which they were never reported, probably on the ground that it was not worth while, since the reasons for the investigation were admitted on all hands and could not be denied. Resolutions calling on the governor to furnish the council with the original census returns and his instructions to census takers were referred with safety to the same committee, since two of its members were from Douglas county.

On the 6th of February this committee reported that it was "inexpedient" to further investigate the subject of contested seats; a word fitly chosen, considering the peculiar character of the objections raised to the claimants of seats and the impartiality of their application. As Mr. Shelley had at least a plausible case against Mr. Folsom, based upon the number of votes he received and not upon the delicate one of non-residence, he was allowed the pay of a member up to February 6.

In the house, on Mr. Poppleton's motion, Mr. Latham of Cass was chosen temporary presiding officer, and Joseph W. Paddock was appointed temporary chief clerk, George S. Eayre, assistant clerk, Samuel A. Lewis, sergent-at-arms, and Benjamin B.

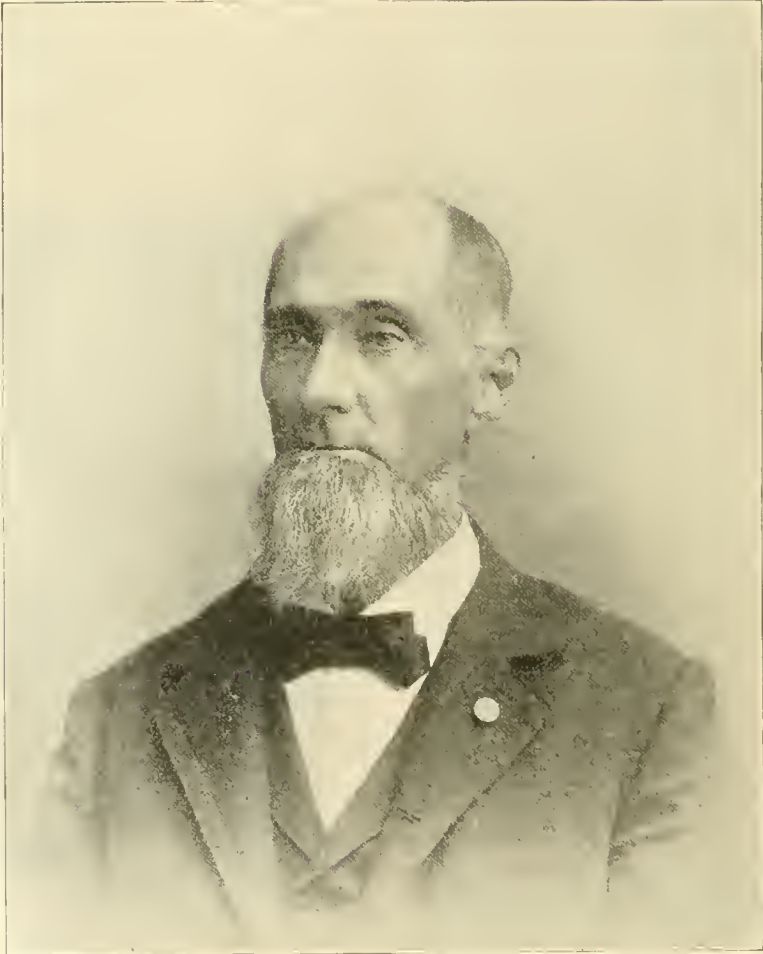
Thompson, doorkeeper. As in the council, those members were recognized who held certificates of election from the governor. In the joint session, Doyle of Dodge and Decker and Maddox of Pierce refused to receive the official oath from Governor Cuming.

On the second day Andrew J. Hanscom of Douglas was elected speaker over John B. Robertson of Burt by a vote of 18 to 7; Joseph W. Paddock of Douglas was elected chief clerk over Mastin W. Riden by a like



BENJAMIN R. FOLSOM
Member of the first territorial assembly

vote; George S. Eayre, assistant clerk, over Mastin W. Riden by a vote of 19 to 7, and Isaac L. Gibbs doorkeeper without opposition. The Rev. Joel M. Wood, member from Forney county, seems to have acted as chaplain of the house for the first week of the session, although the Rev. W. D. Gage of Nebraska City had been formerly elected to this office. The council took no action for the selection of a chaplain until the fifth day of the session when, by resolution, the president was authorized to invite the Rev.



Jacob King

[NOTE—Jacob King was an early and well-known resident of the Platte valley]

William Hamilton of the Otoe and Omaha mission to act in that office. It does not appear, however, that "Father" Hamilton ever served as chaplain, but the record shows that Mr. Gage actually served a part of the time in the council and also in the house.

A determined fight was at once begun by the anti-Omaha members in favor of contestants, against those who had received certificates of election from the governor. Archie Handley of Forney county contested the seat of Wood, Benjamin Winchester of

duty of the committee on privileges and elections "to examine and report upon the certificates of election of the members returned to serve in this house." The opposition exhausted all their parliamentary resources against the passage of the rule, but it was finally adopted by a vote of 13 to 12. This was an approximate division of the Omaha and anti-Omaha forces on the capital question. It is interesting to note that this violent measure was supported by the same members, who, with the addition of Robertson of Burt, two days later, passed the bill locating the capital at Omaha. The *Palladium* sounds this note of disgust and despair:

Governor Cuming's appointees having the majority and being reluctant to have their claims investigated, yesterday they made it a rule of the House that Cuming's certificates were the only evidence which had a right to come before the House in the matter!!! And this in Nebraska, and enacted by the very men who are so loud in their praises of *popular sovereignty!* Oh! Shame! where is thy blush?

Poppleton and Richardson of Douglas and Latham and Thompson of Cass argued that under the organic law the possession of the governor's certificate was conclusive, and that there could be no appeal or contest but to him. Decker of Pierce, Wood of Forney, and Doyle of Dodge insisted that the well-settled principle that legislative bodies have the right to pass upon the qualifications of their members applied to this case. The *Palladium* admits that "Poppleton, the mover, closed the debate in a tolerably able vindication of the amendment." Even then Poppleton must have been a tolerably good jurist; and he must have laughed in his sleeve as his defense of his novel doctrine rolled out in plausible phrase and with unctuous smoothness.

Nebraska, we believe, is unique in the discovery and application of this principle of parliamentary procedure. The provision of the organic act bearing on this question is as follows: "The person having the highest number of legal votes in each of said coun-



NILES RATHBONE FOLSOM
Santa Monica, California, doorkeeper first territorial council

Washington contested against Arnold, and J. Sterling Morton and Stephen Decatur of Bellevue against A. J. Poppleton and William Clancy of Omaha.

On the 17th, Decker of Pierce offered a resolution for the appointment of a committee of three "to examine the certificates of members of the house, and to investigate the claims of those contesting seats," which was rejected. On the 24th Mr. Poppleton moved to amend rule 53, which was similar to Decker's resolution, so as to restrict the



J. B. Kuony

[NOTE—J. B. Kuony established the first store at Fort Calhoun, Nebraska]



Regina Keoney

cil" — or the house, as the case may be — "shall be declared by the governor to be duly elected"; and this wording is found substantially in the organic acts of all the northwestern territories. We find a like lack of restraint in the organization of the first legislatures of other territories, though under the usual parliamentary rule. The first legislature of Kansas, at the first, arbitrarily unseated nine free-soil members who held certificates, and because they were free-soilers, the other two having resigned partly through disgust and partly through the "moral suasion" of the pro-slavery members. In Wisconsin, the first house unseated a



BENJAMIN B. THOMPSON
Doorkeeper, first territorial house
of representatives

certificated member and seated the contestant, according to the general, but against the Nebraska parliamentary principle; and the first house of Indiana, whose first act was to consider the qualifications of its members, arbitrarily unseated the regular member from St. Clair county.

On the first day of the session it appears that two of the contestants from Bellevue, J. Sterling Morton and Stephen Decatur, were admitted into the house and participated in the discussion about Cuming's credentials or certificates, and from what we of the present know of Morton we may be sure that the discussion was not lacking in ag-

gressive vigor. The sardonic answer of the report of the committee on privileges and elections to the editor's hope and prayer for righteousness was that "Mr. Decatur advanced his claim on the ground that Douglas county is separate and distinct from Omaha, and that he is the representative from Douglas county, having received a greater number of votes in that county than Mr. Poppleton"; but "*Mr. Poppleton in defense produced a certificate from the governor of Nebraska declaring him duly elected a representative from Douglas county.*"

It did not matter that the conclusion of the committee violated immemorial parliamentary usage and renounced all spirit of fairness; it was backed by a majority as resolute as it was oblivious of any such nice considerations. The finding was brief and to the point, as it could afford to be:

After considering the evidence of each party your committee are of the opinion that A. J. Poppleton is entitled to a seat in this House *according to the organic law and rules adopted by this House.*³

Of the five members of the committee, four had voted for the obnoxious rule and afterward consistently voted to locate the capital at Omaha. It is a barren formality to add that every member to whom Governor Cuming had given his certificate held his seat. This was the beginning of the end of the most important act of the first legislature.

The council or upper house, the equivalent of a state senate, contained some men of remarkably good intellect, and several of previous experience in legislative bodies. Colonel Joseph L. Sharp, nominally of Richardson county, who was elected president of the council over his bitter political and personal rival, James C. Mitchell of Florence, had formerly been a member of the legislature of Illinois and also of the legislature of Iowa. He was a disciplined and ready parliamentarian. He knew and could apply with quick decision, the rules governing deliberative bodies. Down to this day no one has presided over the senate, or any other deliberative body of the state.

³ *House Journal*, 1855, p. 144.

with more skill or dignity. He was a man of italic individuality. His person was angular and his height six feet three. His hair was abundant and iron gray, and it covered a leonine head. His eye was a bright steel-blue, his chin square, his mouth tight-shut and firm. In the little council chamber where these primitive lawmakers were laying the footings for the walls of the civic edifice since built, there was but small space for spectators; but they drifted in from the curious East, now and then, and, standing against the railing which fenced them out from the members, took notes and made whispered observations among themselves upon the proceedings of the council and the demeanor of its president. It was the misfortune of Colonel Sharp to have been fearfully scarred, indented, and pitted with smallpox. That dreadful disease had bleared, glazed over, and destroyed the sight of his left eye, and at the same time had twisted and deeply indented his prominent nose, which looked somewhat awry; so that, altogether, the victim's facial expression was rather repellant. Right against the lobby rail was the desk and seat of his spiteful and malign competitor, Jim Mitchell, as he was called. Mitchell was a lithe, slender, small man, about sixty years of age, not more than five feet six inches tall and weighing not more than one hundred and twenty pounds. He was quick of mind, had a hairtrigger temper, and his courage was unquestioned. He had justifiably killed his man at Jackson, Iowa, had been tried and honorably acquitted. Therefore no bully presumed to insult him, though his features were mild, gentle, and pallid as those of a studious orthodox clergyman, and his manners were refined and quiet. His hatred of Sharp was deep and relentless. One day a couple of visitors from "down east" were leaning against the railing by Mitchell's desk, watching President Sharp and listening to his rapid decisions and rulings, and finally one said to the other, in an undertone which reached the alert ear of Mitchell: "That president knows his business. He is able and impartial, quick and correct, but certainly the homliest man I ever looked at"; and Mitch-

ell, with a cynical smile and tranquil irony, remarked: "Hell! You should have seen him before he was improved by the smallpox." Possibly state senators of this day keep sarcasm in stock sharper and more spontaneous than that, but they seldom exercise it.

The other law-maker of experience in the council was Origen D. Richardson of Douglas county. He had served in the Michigan senate and had also been governor of that state. He was a native of Vermont, level-



ORIGEN D. RICHARDSON
Oldest member of the first territorial
assembly

headed, honest, and of sound judgment. More than any other individual, Richardson determined the character and quality of the legislation of that first assembly. As chairman of the permanent committee on the judiciary, in the council, he did an enormous amount of thoughtful, diligent, and efficient labor. He no doubt planned, formed, and shaped more statutes than any other member of either house, not excepting Andrew J. Poppleton, who was the most capable, industrious, and painstaking member of the house committee on judiciary, the superior of any lawyer then

in Nebraska, and the peer, perhaps, of any who have since practiced in the courts of this state. In those earlier days Mr. Poppleton was almost passionately fond of public speaking, for which he was well equipped with an unusual share of personal magnetism, reasoning power, and a plausible and persuasive address. He manifested a keen interest in political affairs up to the time of the segregation of his services in the office of the Union Pacific railway company, which was a distinct loss to the commonwealth.

Among the most far-sighted law-makers of

the future of such a road, and in concluding declares that if it could be built,

The millions of Europe would be brought in contact with the hundreds of millions of Asia, and their line for quick transit would be, to a great extent, across our continent. Their mails, their ministers, their most costly and interesting travel and trade, would take this route, and augment our business and multiply our resources. In view of the comparative cost, to the wonderful changes that will result, your committee can not believe the period remote when this work will be accomplished; and with liberal encouragement to capital, which your committee are disposed to



Engraving from pen and ink sketch by Stanislas W. Y. Schymonsky, owned by Mrs. James T. Allan, Omaha, Nebraska.

THE PRESBYTERIAN MISSION AT BELLEVUE, COMPLETED IN 1848

This, and its companion pieces, are the only pictures extant of the Mission building as it appeared in 1854

that first council was Dr. M. H. Clark, member from Fontenelle, Dodge county. He was a type of the vigorous frontiersman in form and mind. He was an enthusiast as to the commercial future of Nebraska. As chairman of the committee on corporations he made a report to the council on the 16th of February, 1855, which was a prophecy of remarkable accuracy, and which has been completely verified.

The report in its advocacy of the chartering of a transcontinental railroad forecasts

grant, it is their belief that before fifteen years have transpired the route to India will be open, and the way across this continent will be the *common way* of the world. Entertaining these views, your committee report the bill for the Platte Valley and Pacific Railroad, feeling assured that it will become not only a basis for branches within Nebraska, but for surrounding states and territories.

The report begins with this sentence: "It is generally conceded that the portion of the territory of Nebraska which will first seek organization as a state is that which lies be-

tween the parallels of 40 degrees and 43 degrees, extending west to the Rocky mountains."

That this discerning pioneer should thus have foretold the future northern and southern boundaries of the state is more significant than remarkable for prescience when we consider that it is simply a reflection of the original Iowa idea. This was the original and persistently proposed northern boundary for the territory until, at the last moment, all that remained of the unorganized part of the Purchase was included. It was the boundary in the bills introduced by Douglas in 1844 and 1848, and of the bill of the Iowa senator (Dodge) in 1853 — the bill which, as amended, was finally passed — and the 40th parallel was the southern boundary in the bill of 1848. This boundary had been fixed by the united desire or judgment of the bordering promoters of organization, and in accordance with the reasons given by the Iowa statesman already freely quoted. This forecast indicates that Mr. Clark was, to some extent, familiar with what had gone before; and his judgment as to the desirable and probable location of the coming state was confirmed by its projectors.

That report, written and published before civil government in Nebraska was six months old, and when most of the people of the United States who had thought about the subject at all believed that the construction of a railroad from the Missouri river across the Plains and through the Rocky mountains to the Pacific coast was an impossibility, is a notable piece of economic and industrial faith, if not of foresight.

Acting Governor Cuming delivered the first executive message to a joint meeting of the two houses in the chamber of the house of representatives at three o'clock in the afternoon of the first day's session.⁴ As might be expected of a man so able and of such positive parts, the message was comprehensive and well composed, and for the greater part direct, concise, and incisive; and as might be expected in one so young — he was only twenty-six — it not only had the unnecessary and at least now

quite unusual appendage of a peroration, but this peroration was grandiloquent indeed. When it is considered that no other executive message since delivered in this commonwealth, except that of the ripe statesman, Governor Richardson, equals this first one — the composition of an inexperienced boy — in point of saying what should be said and saying it well, we readily overlook the final efflorescence.

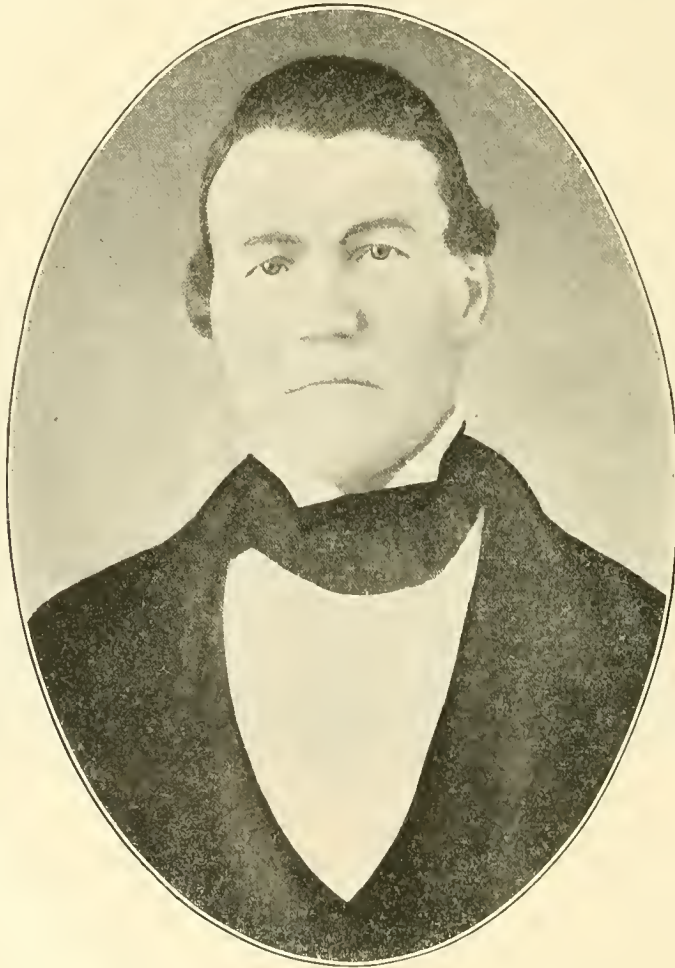
The temporary governor bespeaks for the expected permanent executive, Governor Izard, the blending of "a dignified disinterestedness with an appreciated efficiency . . . well befitting the chief magistrate of the largest commonwealth of freemen within the limits of the Union or the world." Our appreciation of the unerring western apotheosis of mere size is heightened by the reflection that this physically greatest of all the territories, past or present, was the least of all in population. It is significant that the first recommendation of this first Nebraska message was in favor of a memorial to Congress in behalf of the construction of the Pacific railway up the valley of the Platte. The governor suggested that the legislature in its memorial should "urgently if not principally ask" for a preliminary provision for telegraphic and letter mail communication with the Pacific, and that for its protection parties of twenty dragoons should be stationed at stockades twenty or thirty miles apart. Councilman Clark's committee report in favor of a Pacific railway and by the Platte route was an elaboration of the governor's recommendation. The legislature was reminded that in the enactment of a code of laws and the establishment of public institutions, it had the benefit of an ample fund of experience treasured by neighboring states. The recommendation of the enactment of general incorporation laws was wise but unheeded. The governor also recommended that voluntary military companies be organized for protection against the Sioux, Ponca, and other Indians.

ADMINISTRATION OF GOVERNOR IZARD. Mr. Izard, United States marshal, who had been in Washington, we may believe with an eye to

⁴ *Records Nebraska Territory*, p. 40.

promotion to the governorship, returned to Omaha on the 20th of February, and his arrival was formally announced to the two houses of the legislature by Secretary Cuming on that day, and on the same day the secretary presented him to a joint meeting of the houses, when he delivered a passable speech, as governor's speeches go, and which might

sociate justice of the Supreme Court of the United States. He resided at Mt. Vernon, St. Francis county, Arkansas, and his appointment was due to the influence of Senator Sebastian of that state. The Helena (Arkansas) *Star* in noticing his appointment admitted that he was "not endowed with shining talents," and the governor's Nebraska contem-



MARK W. IZARD
First United States marshal and second governor of Nebraska territory

be excused for its lack of much else by its plethora of reference to "sovereigns," "the principles of popular sovereignty," and "the sovereignty of the people."

The new governor had taken the oath of office December 23, 1854, in the city of Washington, before Judge John A. Campbell, as-

poraries still living are not heard to dissent from the admission. He was doubtless a fair sample of the overplus of the mass of aspirants for place with which southern dispensers of patronage must have been infested, and for whom, in the emergency, such long-distance provision must be made. Since Secretary

Cuming, a quasi-resident, was himself an aspirant for the office in question, we may presume that his sympathetic reference — in introducing his successful rival to the legislature — to the carpet-bagger's "long and toilsome journey" in reaching Nebraska was not innocent of malicious irony. Izard was scarcely competent to properly perform the duties of his office. His short career gave evidence of this, no less than the implied admission of his friends when they said he "meant well."

Governor Izard was not inclined to miss a chance to distinguish himself as a maker of state papers; so he gave himself the benefit of the doubt whether a second message was called for, and delivered one to the two houses February 27th. He had discovered his lack of discretion and sense of propriety in his address of the 20th in saying that "in the discharge of my official duties as your chief executive I shall endeavor to carry out the wishes of the national administration." In his message to the all but sovereign legislature he betrayed his ignorance of the limitations of the province of the executive by expressing regret that he was not "sufficiently familiar with the progress already made to indicate a course of policy for the government of your future action." He recommended in the message the adoption of the code of Iowa for temporary purposes, "as a large portion of our citizens at present are from that state, and are more or less familiar with its system"; that provision be made for all local officers to be elected by the people; that the interest of settlers on lands they had occupied, not yet surveyed under the act of Congress of July 22, 1854, be treated as taxable property; and he followed Acting Governor Cuming in wisely urging general instead of special legislation as far as possible. These first legislators were true to their type in that practical politics was their first care; and house file No. 1, offered January 18th, by Robertson of Burt county, was a joint resolution as follows:

Resolved, That we herewith endorse the principles enunciated in the bill organizing the territories of Kansas and Nebraska; that

we rejoice that the geographical line between the northern and southern states has been erased, leaving the people of every state and territory free to control their domestic institutions; and that we commend the firm and patriotic course of the men, without distinction of party, who have aided in establishing the sound constitutional principles of the compromise of 1850, and

Resolved, furthermore, that we pledge ourselves to oppose any unfair discriminations, such as those of the late Missouri compromise, but to protect and defend the rights of the states and the union of states, and to advance and perpetuate the doctrine of popular sovereignty.

LOCATION OF THE CAPITAL. The momentous contest of the session was opened by the introduction of bills for the location of the seat of government. The contest has raged at intervals from that time to this. On the 24th of January a bill was introduced in the council by Richardson of Douglas county, and the following day Latham of Cass introduced a similar bill in the house. A motion by Nuckolls to insert the words "Plattsmouth of Cass county" in the council bill carried 7 to 6. A motion by Clark of Dodge to insert the name of Bellevue lost. Richardson succeeded in having the bill referred to the committee on public buildings. The Latham bill left blanks in the bill to be filled in relative to the location. A motion by Kempton, to insert Plattsmouth, lost, as did a motion to insert Brownsville, and a similar motion to name Omaha. Latham later renewed his motion to name Plattsmouth, but the motion lost by a tie vote, and Poppleton, the general in the house for Omaha, finally renewed his motion which carried, and the bill was sent to the council.

In the council Mitchell moved to insert Plattsmouth instead of Omaha, but Richardson procured its reference to the committee of the whole as a substitute by a vote of 7 to 6, and then secured its postponement for two days. In the meantime, Mitchell had seen a sign and withdrew, upon the first opportunity, his motion to name Plattsmouth, and moved to locate the capital about two and one-half miles north of Omaha; then Richardson gave

notice that upon some future day he would make Mitchell sole commissioner to locate the capital buildings, and Mitchell withdrew his last amendment. Richardson's task was now easy and, in spite of Bennet's dilatory tactics, the bill was passed by a vote of 7 to 6, Mitchell's vote having changed from Plattsmouth to Omaha.

After the location had finally been made, charges of bribery were frequent in the press of that day. The *Palladium* did not fail to credit Mr. Poppleton with efficiently following up Cuming's primary work. Nevertheless the governor had virtually located the capital, and was to be a very great factor in locating it actually. And thus it occurred that Thomas B. Cuming was the founder of Omaha.

The Bellevue of today, in size and condition, illustrates the truth that mere righteousness and beauty are not in the reckoning against western hustle with all that it implies. The original missionary's residence and the building which was occupied by the Indian agency are still standing; the first on the edge of the plateau immediately overlooking the river. The walls are a concrete of mortar and small stones, and the house is rectangular in shape, two stories in height with a veranda extending between the two stories along the entire eastern or river front, thus commanding a magnificent view of the river valley and the distant bluffs and groves on the Iowa side. A hall extends from east to west across the middle of the house. The mission house itself was long since removed. The first church (Presbyterian) and the residences of Chief Justices Fenner Ferguson and Augustus Hall are still standing and in use. The natural townsite of Bellevue comprises a level plateau of about three thousand acres in the angle between the Missouri river and Papillion creek. It rises on the north to a high hill which seems to have been especially designed by nature for the capitol of the commonwealth; but though selfish and shortsighted man has disposed where God so magnificently proposed, still the eminence is fittingly crowned by the main building of Bellevue college.

The journal of the council tells us that "Mr.

Richardson (of Douglas county) nominated Mr. Sharp of Richardson county for president of the council, whereupon, on motion of Mr. Mitchell, Mr. Sharp was declared duly elected." This is suggestive that both sides in the capital contest depended upon Sharp, and that he was ready to disappoint either. Surviving contemporaries of these men and times insist that Sharp agreed for a valuable consideration to support Omaha in the capital struggle, and that, mistrusting him, the consideration was recovered through strategy by an emissary of Omaha (A. J. Hanscom). Though Sharp appears to have favored Omaha interests in the appointment of committees of the council, he for some reason lost interest in the cause of Omaha, and afterward voted against locating the capital there.

On the 5th of February, after the capital campaign had ended in triumph for Omaha, friends and beneficiaries in the council moved resolutions vouching for the uprightness and purity of motive, and commending the efficiency of the Napoleonic leader in so rapidly organizing the territory — the first, doubtless because it was felt that he needed it, and the second because he really deserved it. A resolution declaring the right of the council to inquire into the acts of public officers, and another declaring explicitly that the several acts of Acting Governor Cuming in the organization of the territory were proper subjects of investigation by a committee, had been rejected January 24th. Mr. Bennet now insisted that the vote of confidence could not be properly awarded in the face of the denial of the investigation; but after a fierce fight the resolution was carried by a vote of 8 to 5. Those voting nay were Bennet, Bradford, and Cowles of Pierce, Mitchell of Washington, and Nuckolls of Cass. We find Mitchell's enmity or conviction unabated by his capital commissionership, and the *Palladium's* perfidious Sharp, in this instance, in the enemy's camp.

LAWS OF THE FIRST SESSION. Council file No. 1 was a joint resolution by Richardson providing that the style of the laws should be as follows: "Be it enacted by the council and house of representatives of the territory of

Nebraska." Mr. Rogers would have it amended into this more democratic fashion: "Be it enacted by the people of the territory of Nebraska in general assembly convened," but his amendment failed and both houses passed Richardson's resolution.

The enactments of the first legislature were classified in eight parts. The first part was intended as a complete civil code, and was appropriated from the code of Iowa. The second comprised laws of a general nature prepared by the legislature itself. The third was the criminal code, also appropriated from the Iowa code. The fourth located and established territorial roads. The fifth defined the boundaries and located, or provided for the location of county seats. The sixth incorporated industrial companies and towns, or cities rather. The seventh incorporated bridge and ferry companies, and authorized the keeping of ferries and the erection of bridges. The eighth consisted of joint resolutions adopted at the session.

The first enactment, in part second, as arranged in the statute, provided for taking another census to be completed by October 11, 1855, for a new apportionment of members of the house of representatives, and the time when annual elections should be held and the legislature should convene. The second prohibited the manufacture or sale of intoxicating liquors in the territory. H. P. Downs of Nebraska City took the first step in a prohibition movement in Nebraska when he obtained eighty signatures, besides his own, of people of the town named, to a petition for a "prohibitory liquor law," and lodged it in the council. The petition was presented by Mr. Bradford on the 6th of February, and was referred to the judiciary committee. On the 9th of February Mr. Rogers of that committee made the following unique report:

Your committee, to whom was referred the petition of H. P. Downs and eighty others, praying for a prohibitory law against traffic in intoxicating drinks, and against licensing dram shops and other drinking houses, report:

That in their opinion, where the people are prepared and public sentiment sufficiently in favor of a prohibitory law to fully sustain and

enforce it, such a law would be productive of the best results to the community.

That in the opinion of this committee, the traffic in intoxicating drinks is a crime, and they would be unwilling to legalize this crime by the solemn sanction of a law granting license for its commission. They are unwilling to elevate to respectability by legal sanction any trade or traffic that tends to demoralize [the] community, retard the progress of education, impoverish the people, and impose on the sober and industrious part of [the] community, without their consent, a tax which must necessarily be incurred to take care of paupers and criminals manufactured by the traffic.

They are unwilling to make a traffic creditable the evil effects of which do not stop by besotting and bankrupting the heads of families, but which cause hunger, shame, distress and poverty to be imposed with tenfold severity upon the innocent wife and children of their families. As much, however, as we may be in favor of a prohibitory law until [the] community by petition or otherwise may fully manifest their determination to sustain such a law——⁵

S. E. ROGERS.

Some Features of the New Laws. The revenue law required the auditor to distribute the territorial expense authorized to be paid out of the territorial treasury according to the assessment rolls, which were to be transmitted to him by the judges of probate of the several counties. The probate judges levied the taxes, and the sheriffs were at once the assessors and tax collectors. The sheriff was also coroner of his county. A register of deeds was provided.

The supreme court consisted of a chief justice and two associates, who were to hold a term annually at the seat of government. In accordance with the organic act, the legislature divided the territory into three districts, and fixed the times and places of holding court therein. A judge of the supreme court presided over each of these districts.

The act regulating elections named the first Tuesday in November, 1855, and on the same day thereafter every second year, as the time for the election of a delegate to

⁵ Here the report, *Council Journal*, p. 52, breaks off short. Thus prohibition in Nebraska was born in Nebraska City, and was afterwards legitimized and was a law of Nebraska, though little enforced, until 1858, when it was repealed by a license act.

Congress, and county officers consisting of a probate judge, register, sheriff, treasurer and surveyor; also a territorial treasurer, auditor, and librarian, a district attorney for each judicial district, two justices of the peace, and two constables for each district.

A law exempting the property of married women from liability for the debts of husbands was passed, but no general exemption of homesteads or other property was made. An interest rate of ten per cent was fixed where no other rate was provided in the contract, and the contract rate was left without limitation.

The law "to establish the common school system" conferred upon the librarian the duties of territorial superintendent of public instruction at a salary of \$200 per year, and provided for the organization and support of the common or district schools. The county superintendent reported to the territorial superintendent all essential facts reported to him from the several districts in his county, examined and granted certificates to teachers, and apportioned the public school tax and paid it over to the districts of his county. The district boards managed the affairs of the districts, and before employing teachers, were required to examine them in the subjects taught in the common schools.

UNITED STATES SURVEYS. An act entitled "Claims on public lands," passed by the first legislature, undertook to legalize neighborhood regulations as to claims and improvements on public lands, and provided for their registry in the office of the register of deeds of the county as the law of each neighborhood. A valid claim was limited in extent to 320 acres, and each claim was to conform "as near as may be to the lines of subdivision of the United States surveys," and the boundaries were required to be "marked, staked, or blazed." The act provided that the resident claim holders of each neighborhood should define its boundaries and record them in the office of the register of deeds. It is an interesting fact, which must be borne in mind for a proper understanding of the claims bill, that at the time it was passed no part of Nebraska had been surveyed, and therefore no lands had been offered for sale or formally opened to settlement. We

find Mr. Joseph Dyson urging, in support of his candidacy as a delegate to Congress in 1854, that he is in favor of a law which will "secure to actual settlers a temporary right to the lands they have improved until such time as they can dig out of the soil the amount of money necessary to enter them"; and that "it is a conceded point that the preëmption law of 1841, in a great majority of cases, has been destructive to the interests of the preëmptor." because, "as soon as a person who has no capital files on a piece of land some individual who has more money than good principles will lay his money on the same land" in the hope that the preëmptor will not be able to pay for it at the time specified by law. In order to protect himself from this menace he must borrow money "at forty or fifty per cent per annum, which are the usual rates of interest in such cases."

By the law of Congress approved July 22, 1854, the President of the United States was authorized to appoint a surveyor-general for the territories of Nebraska and Kansas, and his office was to be located as the President should from time to time direct. This law provided that "all public lands to which the Indian title has or shall be extinguished" should be subject to the preëmption act of 1841; also that Nebraska should constitute the "Omaha district" and Kansas the "Pawnee district." The first surveyor-general appointed under this act was John Calhoun, and his office was first located at Leavenworth, Kansas. It was removed from Kansas to Nebraska City about June 1, 1858.

The second party to the first surveying contract for Nebraska undertook to establish the principal base line in the territories of Kansas and Nebraska, which was to begin at "the point where the 40th degree of latitude (the boundary line between Nebraska and Kansas) intersects the right bank of the Missouri river," and to run west 108 miles to the sixth principal meridian, which was the western border of the Omaha cession, and is now the western boundary of Jefferson, Saline, Seward and Butler counties. The parties to this contract were the surveyor-general and J. P. Johnson of Bond county, Illinois; it was dated No-

ember 2, 1854, and the work was to be completed by January 20, 1855. The next contract was made April 26, 1855, with Chas. A. Manners of Christian county, Illinois, for establishing the guide meridian between ranges 8 and 9—the west line of Pawnee, Johnson, Otoe, and Cass counties—and the Missouri river, and also to establish the 1st, 2d, 3d, 4th, 5th, 6th, and 7th parallel lines. The third contract, dated September 26, 1855, with Bennet Burnam, was for subdividing townships 1, 2, 3, 4, north, range 12 east—the east tier of townships of Pawnee county, and the southeast corner of Johnson, and the southwest corner of Nemaha county. This contract was to be completed by December 1, 1855. Contracts for the first subdivision in Douglas county—including Omaha City and Florence—and in Otoe county were made October 31, 1855, to be completed by June, 1856.

The Council Bluffs *Chronotype* quotes the Nebraska City *News* of January 19, 1856, which reports rapid progress of the survey, saying that "early in the spring all of Nebraska between the guide meridian and the Missouri river will be surveyed and in the market." Major J. D. White had just returned to the city from the field, having completed a contract in the first division, and several companies were at work on the first, second, third, and fourth divisions.

CLAIM CLUBS. From this account of the first surveys it will be seen that all claimants of lands before the organization of the territory and for about two years after were merely squatters, without titles or surveyed boundaries of their landed possessions. But necessity had become the mother of invention of a practicable and efficient substitute for statutory rule or measure. The primary government of the territory was a pure democracy. The first formal territorial laws were those passed by the claim clubs. Though the earliest of these laws antedated the legislature, and had no constitutional origin or sanction, they were none the less actual or effective. This system was doubtless borrowed directly from Iowa, where it had been in vogue in a similar form. There is contemporary evidence that the rules of these clubs were enforced with equity and

firmness—sometimes with the utmost severity—and that the settler who came into this voluntary court of equity was protected in his substantial rights from the time he squatted on his claim until he made good his title when the lands were put on sale by authority of the federal law. The constitution and rules of the several clubs did not greatly differ in substance. The first claim association of Nebraska of which we have any record was organized at a meeting held under the "lone tree"—the western terminus of the Council Bluffs and Nebraska Ferry—on the 22d of July, 1854. Samuel A. Lewis was chairman and M. C. Gaylord, secretary. In the preamble of a set of resolutions passed at the meeting is an interesting account of the relation of the ferry company to the projected town of Omaha as early as 1853.

NEBRASKA CLAIM MEETING

Pursuant to notice given, a large and respectable number of the claimants upon the public lands in the vicinity of Omaha City met at that place on the 22d day of July, 1854. S. Lewis [Samuel A. Lewis] was called to the chair, and M. C. Gaylord appointed secretary. The following claim laws were then enacted, viz.:

CLAIM LAWS

Sec. 1. Be it enacted by the Omaha Township Claim Association, that we unite ourselves under the above title for mutual protection in holding claims upon the public lands in the territory of Nebraska and be governed by these claim laws.

Sec. 2. That all persons who have families to support or who are acting for themselves will have protection from this association providing they become a member of it and act in conjunction with the majority of its members.

Sec. 3. No person can become a member unless he resides in Nebraska territory or disclaims a residence elsewhere.

Sec. 4. All claims must be marked, staked and blazed so the lines can be traced and the quantity known by persons accustomed to tracing lines.

Sec. 5. No person will be protected in holding more than three hundred and twenty acres of land, but that may be in two separate parcels to suit the convenience of the holder.

Sec. 6. Marking the claim and building a claim pen four rounds high in a conspicuous place shall hold the claim for thirty days.

Sec. 7. At the expiration of thirty days as

in section six the claimants shall erect a house thereon.

Sec. 8. All differences respecting claims if they cannot be settled amicably between the proper claimants, shall be settled by arbitrators, each claimant shall select one arbitrator and those selected shall choose a third.

Sec. 9. The arbitrators shall investigate all the claim difficulties between said claimants by hearing testimony and argument, and decide as the right and justice of the case to them may appear, and give to the party in whose favor the decision has been made a written certificate of the settlement of the differences between them and file a copy with the recorder of the association for the future reference if required.

Sec. 10. When claims are sold or exchanged, Quit Claim Deeds shall be given as evidence of the contract in which the boundaries of the claim shall be amply set forth.

Sec. 11. The jurisdiction of the association shall extend north and south of the grade section line in Omaha City 3 miles and west from the Missouri river 6 miles.

Sec. 12. No person shall hold more than eighty acres of timber but that may be in two separate parcels.

Sec. 13. When claimants of different claim townships come in conflict a committee of conference shall be appointed by the Judge to hold a council with a similar committee selected by the proper authorities of the claim township of which the other interested person is a member, which committees when acting together shall determine which claimant is entitled to the matter in dispute.

Sec. 14. After the adoption of the foregoing resolutions the following preamble and resolutions were submitted to the meeting and unanimously adopted:

Whereas, the Council Bluffs and Nebraska Ferry Company obtained the consent and approbation of the Indian Agent in July last, now one year ago, to establish and put in operation a steam ferry at and between Council Bluffs and the point where we are now assembled, now known as Omaha City,

And whereas said company has expended large sums of money in the purchase of a steam ferry boat, and in keeping it in regular operation, in making roads, and in starting the first brick yard in the territory for making pressed and other superior bricks,

And whereas said company is about erecting a substantial and commodious brick edifice, suitable for legislative, judicial and other public purposes; as well as other buildings and improvements on their ferry claim, now Omaha City,

Therefore, resolved, that we recognize and confirm the claim of said company as staked

out, surveyed and platted recently into lots, blocks, streets, alleys and out lots, and bounded on the East by the Missouri river, on the North by [Thomas] Jeffrey's claim, on the West by [M. C.] Gaylord and [Hadley D.] Johnson's claim, and on the South by [Alfred D.] Jones' claim; and that we will countenance and encourage the building of a city on said claim.

Sec. 15. The officers of the association shall consist of a judge, clerk, recorder, and sheriff, who shall hold their offices for six months, and until their successors are elected.

Sec. 16. The judge shall preside at all meetings of the association and with the other officers call its meetings whenever he may deem it necessary and perform such other duties as may be assigned him by the association.

Sec. 17. The clerk shall keep a journal of the proceedings of the association when in session assembled.

Sec. 18. The recorder shall record all quit claim deeds, boundaries of claims, decisions of arbitrators, &c., which may be presented to him for that purpose, for which he shall receive fifty cents each from the person desiring the service rendered.

Sec. 19. The sheriff shall execute and put in force all judgments of arbitrators and shall have power to call to his aid therefor the entire association and should any member refuse without good cause shown before the judge, he shall forfeit all his right to protection from the association.

Sec. 20. These laws shall not be altered or amended except by a public meeting of which due notice shall be given by order of the officers of the association.

After the passage of the above laws the association proceeded to the election of its officers, which resulted, viz.: A. D. Jones, Judge; S. Lewis, Clerk; M. C. Gaylord, Recorder; R. B. Whitted, Sheriff.

On motion the assembly adjourned.

S. LEWIS, Chairman.

M. C. GAYLORD, Sec.⁶

John M. Thayer was president of the Omaha Claims Association, and Lyman Richardson was secretary. The fundamental resolutions, after reciting that "it has been found necessary in all new countries to league together to prevent lands being taken by speculators abroad or at home," and that "during the coming season lands will be greatly sought for by newcomers and land sharks," commit the club to the meting out of justice in this ad-

⁶ Omaha *Arrotu*, July 28, 1854.

mirably direct, determined, and unmistakable manner:

We whose names are hereto subscribed, claimants upon the public lands, do hereby agree with each other, and bind ourselves upon our honors that we will protect every lawful claimant in the peaceable possession of his claim, and that in case of his claim being jumped we will, when called upon by the Captain of the Regulators, turn out and proceed to the claim jumped, and there endeavor to have the matter settled amicably by an arbitration on the spot, each party to choose one arbitrator, and if they can not agree they shall choose a third; but if it cannot be so settled then we will obey the captain in carefully and quietly putting the jumper out of possession and the claimant in.

We further agree with each other that when the surveys have been made and the land offered for sale by the United States we will attend said sales and protect each other in entering our respective claims, each claimant furnishing the money for his said entry.

After the sales we are to deed and re-deed to each other so as to secure to each claimant the land each has claimed, according to the lines now existing.

The burden was on the jumper of any part of a claim in different tracts to show the excess over 320 acres in the total claim by the regular survey.

Alfred D. Goyer, who had been a member from Douglas county of the first house of representatives, was unanimously awarded the formidable, if not dangerous title of captain of the regulators. The several associations in Douglas county were invited to meet the Omaha association in joint convention to establish more accurately the division lines, and for other purposes. Andrew J. Poppleton was an active member of this meeting, and Harrison Johnson, O. D. Richardson, Samuel E. Rogers, I. Shoemaker, and A. D. Goyer were the committee on resolutions.

The *Nebraskian* of March 26, 1856, copies laws and boundaries of the club formed by the residents of the south part of Washington county. These laws provided that any person above sixteen years of age might hold a claim. The same journal of May 21, 1856, states that at a meeting of the Omaha Claims Association a resolution was passed requiring claimants to make improvements worth \$50, and "begin tomorrow," in order to hold their claims. At

Secretary Cuming's instance a resolution was passed directing that a copy of the resolutions of February 5th be left with the register of the county, and every claimholder be required to sign them in order to come under their protection. This paper also contains an account of a summary eviction by the Omaha club. Four men had erected a cabin and prepared the foundations for three more on the "upper end of the town site," on the previous Saturday night. The "captain" had the work demolished promptly. It is stated that the jumpers intended to claim one hundred and sixty acres each, "worth in all at least \$15,000."

From the *Nebraskian* of July 2, 1856, we learn that at a meeting of the claim club of Omaha, of which J. W. Paddock was now president and Dr. Geo. L. Miller, secretary, Mr. Poppleton, for the committee, reported resolutions, the preamble of which recited that it had come to the knowledge of the club "that divers evil-disposed persons will attempt by a secret preëmption to steal from their neighbors lands assured and pledged to them by the laws of this association." They therefore resolved that:

Whereas, if any person shall file a declaration of intention to preëempt, or take any other step to secure a preëmption upon lands not his own according to the laws and regulations of this association, this association, at the call of the Captain of the Regulators, will proceed to the premises on which such a statement has been filed or such steps shall have been taken, investigate the matter, and if such shall appear to be the fact, compel the party filing such statement to enter into bonds to deed by warranty deed to the respective owners all lands not his own included within the limits of such preëmption or leave the country.

The federal principle of these claim clubs is illustrated by the proceedings of a county convention held in Omaha which was composed of delegates from Bellevue, Florence, and Omaha. Andrew J. Hanscom was chairman and Silas A. Strickland, secretary, of the convention, which resolved that,

When the lands are offered for sale each association shall elect its own bidder for bidding in lands comprised within its limits for the respective owners; and at such sale *we hereby agree to attend en masse, and there*

remain from the opening of the same until the close thereof, and protect said bidder, *to any extremity if necessary*, in securing said lands at \$1.25 per acre.

The convention further declared "that we will not hereafter recognize suits at law relative to claim matters."

The preëemption act of 1841, which was in force at this time, limited its application to citizens, and those who had declared their intention to become citizens of the United States, and in particular to heads of families, widows, and single men over the age of twenty-one years. Any one of these classes might settle on a tract of land, not exceeding one hundred and sixty acres, the Indian title to which had been extinguished, and which had been surveyed, and afterward by a proper showing he would be entitled to enter the land. Some of the claim clubs referred to were in operation from one to two years before the lands their members claimed had been surveyed, and doubtless the Indian title had not been extinguished in all cases. The act of the legislature validating the acts of the claim clubs contravened the federal statute, and no doubt its attempt to invest the clubs with legislative powers was without constitutional warrant. In turn the Douglas county convention of clubs, by the resolution just quoted, sought to override or annul that part of the legislative act which provided that, "Any claimant may protect and defend his possession by the proper civil action." Iowa had gone before Nebraska in this bold and original adoption of means to immediate ends and local wants:

This occupation of land which had been recorded by the association was declared to be legal by the territorial legislature. But this decision was clearly contrary to the intent of the act of 1807. It was sanctioned, however, by a decision of the supreme court of the territory in a test case during the year 1840. Iowa, by this virtual annulment of the United States statute showed that independence characteristic of the commonwealth by which it became a state.

It is interesting to note that these claim clubs were in operation at Burlington, Iowa, before there was any government, except by voluntary local organization, as well as before the lands had been surveyed; and, besides, occupation of

these lands was in violation of the federal acts of 1807 and 1833. "On their way to the western prairies settlers did not pause to read the United States statutes at large. They outran the public surveyors. Soon after the close of the Revolutionary war they began to violate the ordinance of 1785 by settling on the public lands without obtaining titles. Later they ignored the act of 1807; and it is doubtful that the early settlers of Iowa ever heard of the act of March 2, 1833. Some were bold enough to cross the Mississippi and put in crops before the Indian title had expired. . . . Hundreds of thousands of settlers from every part of the Union thus squatted on the national commons, all without the least vestige of legal right or title."

In both Nebraska and Iowa the squatters on lands were fully protected by the unauthorized, if not positively illegal rules and promises of the claim clubs. Mr. James M. Woolworth was able to write in 1857: "These regulations afford pretty safe possession to the actual settler; although it can hardly be doubted, that the law of the territory conferring legislative authority on the clubs is unconstitutional."

The testimony from Iowa is more emphatic: "When the land was placed on the market by congressional authority the decrees of the associations were completely enforced. No difficulty was experienced on the part of the original claimants in securing, through their special delegates, at a nominal rate, the lands which they had taken."

INCORPORATION LAWS. Part sixth is devoted to thirty-two special acts of incorporation. Two of the companies were incorporated for the manufacture of salt; one of them to carry on business "at a place they may select within five miles of a saline spring in Otoc county," the name of the place to be Nesuma; the other to manufacture salt "from the salt springs near Salt creek." The Platte Valley & Pacific railroad company was incorporated for the purpose of building a railroad and telegraph line from the Missouri river at Omaha City, Bellevue, and Florence up the north side of the Platte river to the west line of the territory, with power to connect with other roads or extend its own line where the laws of other

states and territories should permit. The Missouri River & Platte Valley railroad company was empowered to construct a road from Plattsmouth by way of Fort Kearney and Fort Laramie to the western limits of the territory.

The Nebraska Medical Society was incorporated with Dr. George L. Miller — who was, however, destined to an important career in the wider field of journalism and politics — at the head of the list of incorporators. Three educational institutions were also chartered, namely, Nebraska University, at Fontenelle, Simpson University, at Omaha City, and the Nebraska City Collegiate and Preparatory Institute at Nebraska City. The extreme paucity of the real resources of these institution-builders doubtless stimulated a more or less unconscious attempt to make up for the serious deficiency with imposing and pretentious names. The first named university was the only one actually put in operation; but, as if predestined, after an almost vain continuous struggle, creditable only to the courage and fortitude of its abettors, it yielded its life in 1873.

Of the fourteen hamlets — and some of these not actual but merely potential — which under this division were awarded municipal charters, only three, Margaretta (named after Governor Cuming's wife) of Lancaster, Brownville of Nemaha, and Elizabeth "of the counties of Dodge and Loupe" were abased with the title of town — all the rest were styled "city," and some of these first municipal blooms were born to blush unseen.

Of the thirty-seven bridge and ferry charters under part seven, twenty-two are for ferries across the Missouri river, and two of these charters confer the right to construct bridges, also. Of the remaining fifteen, five are for bridges, two for bridges and ferries, three for bridges or ferries, and five for ferries alone across the important inland streams.

Whatever difference of opinion may be entertained as to the virtue and abilities of the first Nebraska legislators, their individual prudence and thrift are beyond question. They bestowed on one another and their relatives the privileges and potential emoluments of

these special corporations without stint and with apparent generous impartiality, so that their patronymics appear almost as regularly as beneficiaries of these special privileges as in the ordinary proceedings of the legislature. They lost no chance to "cast an anchor to windward." With remarkable disregard of the law of environment these denizens of the desert with one accord conceived a passion for navigation. Not less than twenty-one of the thirty-nine members were actually named in these transportation charters. We are not surprised that Mitchell, whose raw material as a violent opponent of Omaha in the capital contest had been manipulated into the glad commissioner for locating the state house on Capitol Hill, led all the rest with six of these tokens of appreciation of open-mindedness, and Dr. Clark of Dodge and Nuckolls of Cass followed with three apiece. The Council Bluffs and Nebraska Ferry company is, however, an apparent exception, for its charter runs to Samuel S. Bayliss, Enos Lowe, James A. Jackson, Jesse Williams, Samuel M. Ballard, Samuel R. Curtis, and their associates. Whether the majority of the members were reluctant to add further evidence to their conduct in the capital contest of "Jim" Jackson's very practical control over, or his practical obligation to them, by being named as co-beneficiaries in their valuable gift to his company, or whether that efficient agent of Omaha's interests felt, as he no doubt would have been justified in feeling, that he had done quite enough for them in the capital enterprise without letting them into this one, is not a matter of public record; but either hypothesis would serve to explain the singular omission.

By these charters exclusive right to maintain ferries between the mouth of the Platte and a point five miles north of Florence was granted to the companies at that place, at Omaha, and at Bellevue. The entire river front was parceled out to them. As a further example of the monopolistic character of these grants the company at Tekamah had exclusive rights for a distance of ten miles.

Predatory Omaha having left no other hope or consolation to Bellevue but in righteousness, her spokesman of the *Palladium* is re-

solved to make the most of it, and the voice he raises for virtue is as that of one crying aloud in the wilderness.

No inconsiderable portion of the present session of our territorial legislature has been spent in creating corporations. — This has been done notwithstanding the democratic creed denies the doctrine of "chartered rights" and "exclusive privileges," and in theory maintains the doctrine of equal rights. We say that a large portion of the present session has been spent in the creation of paltry corporations, and petty monopolies, which enable a few individuals to bar away the public from privileges to which they are inherently entitled, and have as good a right to exercise (if the doctrine of democracy be true) as those whom the law says shall have the exclusive right. The liberality of the legislature has been most profuse in granting exclusive privileges to individuals and companies. In proof of this look at the single item of "ferries". . . "Paper towns" are pretty thickly established up and down the river nearly the whole length of the territory. . . Charters have been called for at nearly every place. . . Not content, however, with the establishment of a corporation for each of the places referred to, we notice one of a broader character designed to cover the whole extent of the river from one end of the territory to the other, not already covered by other charters. Numerous charters have been procured by companies or individuals for ferry privileges in different portions of the territory, where there are no settlements nor any likelihood of their [there] being any for many years to come. . . We presume most of these charters have been procured for no other purpose than speculation. A charter when once obtained gives the possessor the power of making something off of the public, without having made the least expenditure for the benefit of either.

And then this Isaiah in idealism and Jeremiah in lamentation rebukes these monopoly-servers with the charge of early recreancy to their democratic faith:

A large majority of the members of the legislature claim to be the disciples of democracy, and yet, we have never known an instance where the zeal of a whig legislature, led it to bestow charters with that degree of liberality which our legislature has manifested in its creations of monopolies. We look upon this charter-making spirit as democratic heresy of the vilest kind, and more becoming whig faith than democratic practice. If whig prin-

ciples are the best for the practice of democrats, in other words, for adoption in practice, we have no objection to them — providing the theory is adopted along with the practice. . . The democratic theory says, avoid special legislation — shun monopolies. The policy of the legislature appears to have been to cover as large an amount of both land and water with chartered privileges as possible.

Such are the momentum and inertia of the crowd that the influences of a half century may change its course or character but little. Substitute republican for whig — bearing in mind that the republican party succeeded to the economic principles or dogmas of the whig party — and this pronouncement of the *Palladium* would be a typical democratic newspaper article for today.

Part eight consisted of an even score joint resolutions and memorials. Congress was memorialized for the right of way and grants of land for the construction of the Missouri River & Platte Valley, and the Platte Valley & Pacific railroad companies; to establish a safe route for mails and other communication between the Missouri river and California and Oregon; and the secretary of war was requested to send without delay a sufficient military force to afford protection to the frontier settlements from Indian depredations. Among the joint resolutions are requests to the delegate in Congress to procure a pension for the widow and heirs of Governor Burt and means for the erection of a monument to his memory, and to procure the passage of a homestead law similar to the laws of Oregon and New Mexico; requesting the governor to commission officers to raise two or more companies of mounted rangers for the protection of the frontier settlements; appointing Sherman & Strickland printers of one thousand copies of the laws of the session, and O. D. Richardson and Joseph L. Sharp of the council and A. J. Poppleton and J. D. N. Thompson of the house, commissioners "to prepare a code of laws for the government of this territory and report the same to the legislature at the next session."

NEBRASKA'S PECULIARITY. Neither the dominant spirit nor the general work of this first legislature may be commended or ad-

mired. It worked under abnormal conditions and without the restraints of organized society. There could be no appeal to public sentiment through public discussion—the present criterion and referee of public measures—because there was as yet no public. When the Israelite adventurers determined to appropriate Canaan, Moses sent twelve spies “to search the land.” Our first handful of pioneers had come the very year of the first session to spy out the land while it was still in possession of its original occupants. Ten years before, Douglas had served unequivocal notice—in his bill of 1844—of the intention of the stronger to “go in and possess the land” of the weaker race. This was no new departure, but the natural process and the immemorial rule of the progress of civilization, and never perhaps pursued by the strong nations of the earth with such unanimity and aggressiveness as in the last quarter century. As a token of the refinement of civilization nineteen centuries after Christ in contrast to the barbarism of fifteen centuries before Christ, unlike the Israelitish summary dealing with the Canaanites, our pioneers offered the people the grace of peaceful, as the alternative of enforced surrender of their homes! But the difference was merely conventional, and there was the same notion and spirit of conquest and force in the one case as in the other. The chief difference between these beginning years of Nebraska and those of the easterly territories was that while, owing chiefly to the legal barrier against gradual occupation of this forbidden “Indian country,” our invasion was sudden and comparatively artificial and superficial; their settlement was the result of steady purpose, and their institutions, accommodating themselves to these conditions, were more the product of growth and development. In short the differentiation of Nebraska territory was that it did not grow but was made.

As there was no settled citizenship to consult, many of the legislators themselves refraining yet to “declare their intentions” to cast their fortunes in this untried and uncertain desert, the first legislative session was a game of scramble with “the devil take the

hind-most” for its guiding rule. As the population of prospectors had brought nothing to begin with, their very first acquisition centered in the prospective capital—in the process and methods, as well as the place of fixing it. Every other act of the legislature was subordinate and subsidiary to this one measure and motive of creating something for a commonwealth composed mostly of speculators and largely of carpet-baggers. It does not disturb this proposition that such men as Thomas B. Cuming, O. D. Richardson, Samuel E. Rogers, A. D. Jones, Andrew J. Popleton, George L. Miller, A. J. Hanscom, and Thomas Davis remained—and some of them to this day—to be capable builders of their city and their state, and to illustrate staunch citizenship therein. For if their main object in making Omaha a place by placing the capital there had failed, not all of them would have remained in Nebraska, and none of them in Omaha, for there would have been no Omaha—at least none worthy to command such capable handiwork as theirs. In successfully pressing on to the mark and prize of their calling, the leaders of the capital contest exhibited ability and skill of no mean order. As for the rest of the work of the legislature, as we should expect from such conditions, that which was not merely indifferent must be rated as bad.

The *Arrow* of Omaha and the *Palladium* of Bellevue mirror many interesting incidents of the first days of civilized and organized Nebraska. In its initial number the *Arrow* instructs those not to the manner born as to the pronunciation of Omaha: “As many of our foreign friends will be unable to pronounce this word we will from our Indian dictionary assist them. The proper pronunciation is O-mah'-haw, accenting the middle syllable.” Since the editor was a tenant at will of the Omaha tribe, and a few weeks later published an admirable description of the village of the tribe which was situated about seven miles to the southwest, he could speak ex cathedra. But civilized usage has sacrificed melody and euphony to convenience by forcing the accent back (or forward?) to the first syllable. The same inexorable me-

chanical law of civilization has substituted for the beauteous, unconventional slopes and freely irregular lines and the groves as nature placed them, streets and grades and cuttings and piles of brick and mortar, all in hard-and-fast and stiff rectangular lines; and the groves have been wholly sacrificed to the same Moloch. But by the law of compensation this is the price of progress.

October 6th the *Arrow* notes that in his recent visit to Omaha City the commissioner of Indian affairs "found no fault with the settlers for the occupancy of the land," and to



From a daguerreotype taken in 1852.

DR. GEORGE L. MILLER

invest this official wink with still greater suggestiveness it is further stated that "a gentleman who accompanied him here purchased a number of lots." The same issue notes "long trains and large herds of stock daily arriving at Bluff City and crossing to Omaha on the steam ferry, Marion." On October 20th the *Arrow* announces that at the late session of the Iowa conference at Keokuk, a new district, known as the Nebraska and Kansas missionary district, was established, at present under Presiding Elder M. F. Shinn of Council Bluff City, the stations in Nebraska being Omaha City and Old Fort Kearney. This was doubtless the first formal invasion of Ne-

braska by the great pioneer Methodist church. The same paper, on November 3d, gave the following interesting statement of the beginning of Tekamah: "The Nebraska Stock Company . . . have, . . . upon their claimed lands, some fifty-five miles north of this place, . . . laid off a beautiful town or city platt called Tecamah. The county is called Burt, . . . after our late respected and lamented Governor." The same issue argues in favor of holding a mass democratic convention to nominate a candidate for delegate to Congress. And notice of the advent of the first physician of Omaha is of more than passing interest: "Although but little sickness pervades our prairie land we can but congratulate our citizens upon the acquisition of a young and apparently well qualified physician to our society." The first editor of Nebraska little knew how peremptorily the career of Dr. Miller, the first physician of Omaha, was to require a slight distortion of the meaning of what he was writing. It was not in the professional, but in a much wider sense that Dr. Miller was to become a physician to Omaha in her subsequent ills and ailments. On the 10th of November the *Arrow* notes that a new town has been laid off one mile below the mouth of the Platte river and lots were to be sold on the 13th. "It is at present named Plattsmouth and will doubtless become a place of some importance."

In the same number the editor's quaint fancy runs on an excursion against the "new-fangled names which these reformers hitch on with a flourish to town sites, rivers, etc., throughout the territory." "It is not," he protests, "old fogysim to desire a retention of those names in our prairie land which have become as familiar as household words to pioneer men. Point us out if you can anywhere in the English language any names more musical or more appropriate to our territory than those which exist amongst the Indian tribes or have been affixed by old frontiersmen." And then he cites as examples of his outraged taste the substitution of Florence for the good old significant and appropriate name of Winter Quarters. "Next comes Bellevue—a little better it is true—but partaking of the

same fanciful air." The name of Otoe, originally selected for the place now called Plattsmouth, "was a good one, and far better than the modern innovation. Mt. Vernon, the name of the beautiful site at the mouth of the Weeping Water, is another bad selection; why not call it after the pleasing name of the river?" "And so," he laments, "it is all over the territory; city and town sites, rivers, and creeks have with but few exceptions undergone an awkward and unbecoming change of names; an abandonment of these beautiful and original names which oftentimes lend an air of enchantment and pleasure to the place."

Thus at the beginning this voluntary denizen of the wilderness, untutored in the arts, expressed a truth that has rankled in the heart and mind of every sensitive citizen of the commonwealth of this day. And so it seems that taste, that unappraisable gift of God to His creatures — some of them — compound of sentiment and judgment, is born and not made. The schools may lead it out and rectify its vision, but if it has only being in the soul it will see straight and clear to the eternal fitness of things. What pity that our poet-editor was not a Poo Bah, with a lord high executioner resolute to enforce his decrees against these counterfeiters of names! Through our obtuseness or vanity or other infirmity general and irreparable violence has been done to the native names of Nebraska. It is slight consolation to know that this esthetic rape was not committed without protest — that at the first there was at least one eye to pity though there was no arm to save.

It is not likely that this frontier champion of propriety and esthetic sense knew that Washington Irving, high priest of fine taste, at a still earlier date lamented the same misfortune:

And here we can not but pause to lament the stupid, commonplace, and often ribald names entailed upon the rivers and other features of the great West, by traders and settlers. As the aboriginal tribes of these magnificent regions are yet in existence, the Indian names might easily be recovered; which, beside being in general more sonorous and musical, would remain mementoes of the primitive lords of the soil, of whom in a little while

scarce any trace will be left. Indeed, it is to be wished that the whole of our country could be rescued, as much as possible, from the wretched nomenclature inflicted upon it, by ignorant and vulgar minds; and this might be done in a great degree, by restoring the Indian names, wherever significant and euphonious. As there appears to be a spirit of research abroad in respect to our aboriginal antiquities, we would suggest, as a worthy object of enterprise, a map or maps, of every part of our country, giving the Indian names wherever they could be ascertained. Whoever achieves such an object worthily will leave a monument to his own reputation.

The first number of the *Palladium*, July 15, 1854, states that John F. Kinney, who had lately been appointed chief justice of Utah, had given the name "Bill Nebraska" to his son, born at Dr. M. H. Clark's hospital, Nebraska Center, June 10, 1854 — "the first white child born in the territory since the passage of the bill." Strong faith in the future development of the country is a characteristic of pioneers, and may be traced, in part at least, to the instinct of duty and necessity. It is cherished from the feeling, not always clearly conscious, that requisite courage and tenacity of purpose can not be sustained without it. A striking example of this kind of faith is found in a "puff" article about Nebraska which indulges in the prophecy that the Platte river will after a while become navigable. "According to the statement of experienced navigators on the upper Missouri the Nebraska [Platte] is now a much better stream for navigation than the Missouri was twenty-five years ago." This number also gives an account of the first formal celebration of Independence Day which took place at Bellevue. The characteristic serious religious-sentimental temperament of the editor is touched by the scene:

The assemblage met near the Indian agency, under the broad canopy of heaven, and seemed to have hearts as expansive as the great scene of nature in which they were situated. If the spirit so beautifully and freely manifested on this soul-inspiring occasion, be an index to the future character of the vast multitudes who will soon come from the four quarters of the earth, to mingle in the pursuits and pleasures of this people, then it will be true, as it was remarked by one of the speakers, that "this

country will be, indeed the 'Eden' of the world."

The editor himself was president of the celebration. A committee consisting of Judge L. B. Kinney, Stephen Decatur, and C. T. Holloway presented patriotic resolutions which did not neglect to point out that Bellevue was the one and only place for the capital. A very long list of toasts which neglected few patriotic topics, and included "the ladies" in duplicate, were offered and responded to.

The issue of August 16th states that "the Presbyterian board of foreign missions for the benefit of the Otoe and Omaha Indians was established in the fall of 1846," and "the mission buildings were built upon a large scale, having every necessary accommodation for one hundred persons." In the whole range of their descriptive articles we find these "rough" pioneers still harping on esthetic features. And so this mission, we are told, "is built upon the brow of an eminence that overlooks the majestic Missouri and surrounding country, and upon which nature has lavished her charms with unsparing profusion."

And then, moved to overstrain his eye of faith, the editor sees that "Bellevue is destined by nature to become the metropolis of learning as well as of legislation and commerce in Nebraska." In eight months after these visions of glory had thus strained his aching sight, the confident prophet was to abandon the fruitless and hopeless field. Mr. Reed's judgment was at fault in that it had failed to apprehend that the period of nature-made capitals had been superseded by man-made capitals. Henceforth railways and not God-chosen sites were to locate the important towns, and the destiny of railways is dictated by men. In brief, man was not only to propose but also almost absolutely to dispose of townsites. When in 1856 two or three railway magnates diverted the Rock Island line from the proposed Pigeon Creek route to the Mosquito Creek route Omaha's permanency became possible and probable. When, in 1867, the Union Pacific bridge was located at Omaha after a fearful struggle between men, Omaha was made and Bellevue's last hope was destroyed. Again the editor's vision of the com-

ing educational and political capital was quite right in general and wrong only in particularizing. When a dozen years later men, violating all the old rules of town-making, and turning their backs on every site of nature's choice, commanded, "Let there be a capital to be called Lincoln at nowhere"—and there was a capital—the orthodox editor could not have comprehended that his prophecy of a capital though not of his capital was true.

The *Palladium* of November 29th calls attention to the fact that, "in accordance with the custom of our Puritan ancestors" the acting governor had designated the 30th of that month as the first Thanksgiving day. The editor is a moral exotic, somewhat misplaced in this western desert, and fitter for the society of eastern roundhead than of western cavalier. And so he moralizes: "Although we have, as in all new countries, comparatively little to be thankful for, we have sufficient to inspire our gratitude and praise." It is difficult for this severe purist to acknowledge anything good in a free lance like Governor Cuming, but he comes to it grudgingly and characteristically:

We have reason to be thankful, that the Governor has thus publicly acknowledged the SUPREME RULER, and recommended a day of thanksgiving to be observed by the people of this Territory, on the very threshold of their territorial existence. We hope this ordinance will be respected and perpetuated from year to year, to the latest posterity.

In the next number the editor tells us that "We were greatly pleased to witness the general interest, which this festive occasion seemed to awaken among our citizens, and the zeal which they seemed to manifest in the exercises that belong to this time-hallowed institution. . . . The day was calm and lovely, and the earth, though robed in the dark hues of autumn, never appeared more beautiful than on this consecrated day." And he goes on to say that, "considering the place, a large and respectable audience attended public worship held at the mission, at 11 o'clock, A.M. An excellent lecture was delivered on the occasion, by the Rev. Wm. Hamilton, founded on the following text: 1st Thessalonians, 5th Chapter, 18th Verse: 'For in

everything give thanks, for this is the will of God concerning you.'” A remarkably large portion of his available space is given up by this devotional editor to an exposition of the traditional, *first, secondly, and thirdly* of the sermon.

Alas, for the editor! Even the paucity of things temporal for which to be thankful, and for which he had murmured, is soon to be further reduced by the designation of Omaha as the capital of the territory, thus sweeping away his first and last hope of something worth living for at Bellevue. And while these faithful souls were holding their devotional services on Thanksgiving day, with an ill-timed trust in the justice and righteousness of their capital cause, their Omaha — or rather Council Bluffs — rivals, true modern hustlers, were trustful, too, but in their own intention to command and use whatever means should be necessary to appropriate the prize, discarding moralizing, and, it is to be feared, morals as well. They were so trustful in their own resources that while their opponents on that first Thanksgiving day prayed, and laid down the rules of righteousness and justice, they hustled and laid up the walls of the capitol, while yet they had no assurance, but self-assurance, of its use.

Notice that the school attached to the Otoe and Omaha mission is about to be transferred to the Iowa and Sac mission, near the northern line of Kansas, appears in this issue.

The same paper, of December 20th, notes that there are in the Quincy Colony — Fontenelle — “about thirty persons who came on and commenced the settlement late in the fall,” and several houses had been erected.

The *Palladium* of January 10, 1855, explains that “goos-noo-gah” is equivalent of Omaha, and means “sliding,” “which is a favorite amusement with the Omaha youth by whom we are surrounded.” The sled was a cake of ice about ten inches wide and fifteen inches long rounded off at the ends. Sometimes in its rapid descent the brittle vehicle would go to pieces, when a catastrophe would happen to the Indian boy passenger as precipitate, though not as fatal, as the result of the bucking automobile of our day.

The issue of January 17th describes the great beauties of the site of St. Mary, “on the eastern shore of the Missouri river, four miles above the mouth of the Platte, and nearly opposite the Council Bluffs agency, Bellevue, Nebraska territory. . . . The town is surrounded with scenery of unsurpassed beauty. On the east the green bluffs, rising nearly two hundred and fifty feet above the level of the river two miles back, stretch along to the north and south until they disappear in the distant horizon. On the north the Mosquito creek, skirted with beautiful trees and farms, appears at a distance of half a mile. The south presents an open view. The bluffs back of the town are covered with beautiful groves of elm, oak, hickory, and black walnut.” The auxiliary embellishments of this picture in unimpaired beauty are still visible from Bellevue, but the ambitious townsite itself long since “moved on” and now, no doubt, forms an important part of the delta of the Mississippi. St. Mary was the eastern terminus of the considerable ferry traffic across the river.

On the 7th of March there is notice that a postoffice has been established at Bellevue with the editor as postmaster. Mails are to arrive and depart twice a week; but the postmaster gives warning that “As we are not authorized to expend anything beyond the avails of the office for carrying the mails, we hope our citizens will come forward and make up the deficiency, and thus secure promptness and regularity in the mail service.” In this number there is a notice of a meeting of the democracy of Nebraska to be held at Omaha on the 8th of March “for the purpose of effecting the organization of the democratic party.” The meeting appears to have been held to further the aspirations of B. B. Chapman to become delegate to Congress and to discredit the sitting member, Mr. Giddings. No actual organization of the party was practicable until 1858, when the republican party began to take form, thus influencing the democrats to united action.

In the issue of March 21st the following announcement appears under the heading “Bellevue”:

The friends of this place being desirous of

changing the orthography of its name, so as to correspond with the French, from which it is derived, we have concluded to adopt that method of spelling.

Henceforward, the old spelling, "Bellevue," is dropped.

It was the duty of the governor under the organic act, to organize the territorial courts, provisionally, this organization to continue until superseded by the act of the territorial legislature. Accordingly, by Governor Cumming's proclamation, Fenner Ferguson, chief justice of the supreme court, was assigned as judge of the first judicial district, which comprised the counties of Douglas and Dodge; Edward R. Harden, associate justice, was assigned to the second judicial district, embracing all that part of the territory lying south of the Platte river; and James Bradley, the other associate justice, was assigned to the third district, comprising the counties of Burt and Washington. A term of the supreme court was to be held at the seat of government beginning on the third Monday of February, 1855. The first terms of court in the several districts were to be held as follows: First district, at Bellevue, on the second Monday in March, 1855; second district, at Nebraska City, on the third Monday in March;

third district, at Florence, on the first Monday in April. Thereafter the times and places of holding the courts were to be regulated by the general assembly.

"Accordingly, on Monday, March 12, 1855, the first court of record ever held in the territory, the district court of the first judicial district, with jurisdiction practically like our present district court, was opened at the mission house, Bellevue, by Fenner Ferguson, chief justice; Eli R. Doyle, marshal." The *Palladium* of March 21, 1855, informs us that "The Court was organized by the choice of Silas A. Strickland of Bellevue, Clerk. Several foreign born residents made their declaration of intention to become citizens. No other business of importance coming up, the Court adjourned to April 12." But this was not the first session of a court of record in Nebraska. The first session of the supreme court, according to the governor's proclamation, met in Omaha on the 19th of February; and the *Palladium* of February 21st tells us that "The first session of the supreme court of Nebraska, is now being held at the capitol, Hon. Fenner Ferguson, Chief Justice, presiding. The Court convened on Monday, the 19th inst. J. Sterling Morton, of Bellevue, has been appointed clerk of the court. . . ."

CHAPTER IX

THE SECOND LEGISLATURE — SECOND CONGRESSIONAL CAMPAIGN — POLITICAL CONDITIONS

THERE was little diversion in the territory during the year 1855, from the time of adjournment of the first legislature, except the small politics of the aspirants for the offices to be filled at the fall elections. The dreams of Mr. Henn and others of the organizers about a rapid increase of population had not come true.

The first, or Cuming census, furnishes no data for comparison — except to illustrate its unreliability. By that census the first district, which comprised substantially the counties of Pawnee and Richardson, was credited with a population of 851. After the lapse of a year, during which there was some immigration, these two counties yielded only 441 people to the census of 1855. On the other hand, while the counties of Forney and Pierce in 1854 had but 614 people, in 1855 their successors, Nemaha and Otoe, had respectively 604 and 1,188. Otoe no doubt felt plenary satisfaction in so decisively outstripping Douglas, her rival of the North Platte. But the active colonizing on the part of both slavery and anti-slavery interests diverted most of the immigration to Kansas, which as early as February, 1855, boasted a population, such as it was, of 8,601.

Under the act of the first legislature the governor appointed Charles B. Smith as territorial auditor, B. P. Rankin, territorial treasurer, and James S. Izard,¹ librarian. Minor officers for the several counties were also appointed by the governor, and the terms of all these officers continued until their successors were elected in November, 1855. On the 15th of October, 1855, Governor Izard issued a proclamation announcing that an election would be held on the first Tuesday in November of the year named to choose a dele-

gate to Congress, a territorial auditor, treasurer, and librarian, twenty-six members of the lower house of the general assembly, and in the several counties a probate judge, sheriff, county register, county treasurer, and county surveyor; and each precinct should elect two justices of the peace and two constables.

A district attorney for each judicial district of the territory was to be elected also. The first district embraced all the counties south of the Platte river; the second the counties of Douglas and Washington; the third the counties of Burt, Dakota, and Dodge.

THE SECOND LEGISLATURE. The legislature had left the task of making the apportionment of the members to the governor, and he established the representative districts as follows: Burt and Washington, jointly, 1; Cass, 3; Cass and Otoe, 1; Dodge, 1; Douglas, 8; Nemaha, 2; Nemaha and Richardson, 1; Otoe, 6; Pawnee and Richardson, 1; Richardson, 1; Washington, 1. The act of 1855 provided that the number of members of the house should not exceed twenty-nine; but the governor did not see fit to change it from the original twenty-six. Pawnee was the only one of the sixteen new counties, whose organization had been authorized by the first legislature, to take advantage of the act and become entitled to representation. The proclamation also called for the election of three members of the council to fill vacancies; and Samuel M. Kirkpatrick was chosen in place of Nuckolls of Cass county, who had resigned; John Evans in place of Dr. Munson H. Clark of Dodge

¹ James S. Izard was private secretary to his father, Mark W. Izard, during the latter's term as governor. He acquired considerable property in Omaha, but left the territory about the time that his father did. He died, some years ago, in Forest City, Arkansas.

county, deceased; and Allen A. Bradford in place of Hiram P. Bennet, who resigned for the purpose of becoming a candidate for delegate to Congress. The hold-over members were Dr. Henry Bradford of Otoe, formerly Pierce; Richard Brown of Nemaha, formerly Forney; Charles H. Cowles of Otoe; Benjamin R. Folsom of Burt; Taylor G. Goodwill, Alfred D. Jones, Origen D. Richardson, and Samuel E. Rogers of Douglas; Joseph L. Sharp of Richardson; and James C. Mitchell of Washington.

The members of the house were John F. Buck, John McF. Hagood, and William Laird of Cass county; Thomas Gibson of Dodge; Leavitt L. Bowen, William Clancy, Alexander Davis, Levi Harsh, William Larimer, Jr., William E. Moore, George L. Miller, and Alonzo F. Salisbury of Douglas; William A. Finney and Samuel A. Chambers of Nemaha; John Boulware, Dr. John C. Campbell, James H. Decker, William B. Hail, J. Sterling Morton, and Mastin W. Riden of Otoe; Amazial M. Rose of Otoe and Cass jointly; Abel D. Kirk of Richardson; Dr. Jerome Hoover of Richardson and Nemaha jointly; Charles McDonald of Richardson and Pawnee jointly; Potter C. Sullivan of Washington; and William B. Beck of Washington and Burt jointly.

Comparing this second apportionment with the first we find that the audacious stuffing of the North Platte counties of Burt, Dodge, and Washington by the deft hands of Governor Cuming is acknowledged by his successor; for in place of her two full representatives allowed by Cuming, Burt is now tacked to Washington to divide one with that county, which in turn is reduced from two members to one and a half. Dodge is cut down from two to one. Cass county retains its three members and divides another with Otoe, which has six of its own—a gain of one. Douglas holds to its original eight. But since Governor Izard's census awards a population of 712 to Cass, 1,028 to Douglas, 1,188 to Otoe, and 604 to Nemaha, the principle of Governor Izard's apportionment is still past finding out. The rights of Cass, Otoe, and Nemaha are shamefully abused to the profit of Douglas. Councilman Sharp's very keen

appreciation of the responsibilities of a pioneer census taker in 1854, in the case of Richardson county in 1855, to be at all presentable, had to be discounted at about forty per cent of its face value; though with a population of only 299 that county still held on to one representative and shared two others with Nemaha and Pawnee respectively. It has been pointed out that in an addendum to his census returns Mr. Sharp admitted that the number of voters in Richardson county, excluding the half-breed tract, should be reduced from 236—his census figures—to about 100.

Beck, the joint member for Burt and Washington, lived at Tekamah, Burt county; Rose, the member for Cass and Otoe, lived at Nebraska City, Otoe county; Hoover, member for Richardson and Nemaha, lived at Nemaha City, Nemaha county; and McDonald, member for Richardson and Pawnee, lived in Pawnee county. So that in the popular adjustment of the apportionment Burt and Washington in fact shared alike with one member each; Cass retained her original three; and Otoe gained two, making seven in all; Nemaha gained one, making three in all; and Richardson retained her original number—two.

With thirty-four and four-tenths per cent of the population the North Platte is awarded forty-two and three-tenths per cent of the representatives. The hold-over council, with fifty-four per cent of its members from the North Platte, presents even a worse travesty of decency and justice. In view of such a piece of his handiwork as this the impartial judge must demur to the modest disclaimer of Governor Izard's home paper (the *Helena, Arkansas, Star*) that he was "not endowed with shining talents," and must also question its ascription to the governor of the compensatory virtue of probity.

The second legislature convened at Omaha, Tuesday, December 18, 1855, at 10 o'clock in the morning. The temporary officers of the council were Origen D. Richardson, president; John W. Pattison, chief clerk; Lyman Richardson, assistant clerk; Samuel A. Lewis, sergeant-at-arms; and Niles R. Folsom, door-keeper. The regular organization consisted of Benjamin R. Folsom, president; Erastus

G. McNeely, chief clerk; M. B. Case, assistant clerk; Charles W. Pierce, sergeant-at-arms; Henry Springer, doorkeeper; Le Grand Goodwill, page.

The house was organized by the election of the following temporary officers: Speaker, William Larimer, Jr., of Douglas county; chief clerk, Joseph W. Paddock; assistant clerk, H. C. Anderson; sergeant-at-arms, A. S. Bishop; doorkeeper, Ewing S. Sharp; fireman, Patrick Donahue. In the permanent organization Potter C. Sullivan of Washington county was elected speaker, his principal opponent being Abel D. Kirk of Richardson county. Isaac L. Gibbs was elected chief clerk; H. C. Anderson, assistant clerk; A. S. Bishop, sergeant-at-arms; E. B. Chinn, doorkeeper; and Rev. Henry M. Giltner, chaplain.

From the council we miss Hiram P. Bennett, a prominent leader, Dr. Clark, cut off by death from a career whose beginning gave promise of future activity and influence, and Nuckolls, whose name was and is well known. From the house we miss a prominent figure — Poppleton — but in his place we have Dr. George L. Miller, and from Otoe county, J. Sterling Morton — two names destined to be linked together in the political activity and the general progress of the commonwealth for some forty years, and until they should become familiar to the popular ear through all its borders.

Richardson and Nemaha counties each attempted to appropriate the joint representative to its individual use. Henry Abrams was the candidate of Richardson county, and he received 76 votes, while his opponent, Dr. Jerome Hoover of Nemaha county, received only 13. But Nemaha outstripped her rival in local patriotism by giving Hoover 117 votes and Abrams a blank. The law required that the register of the senior county should give a certificate of election to the candidate receiving the highest number of votes in the entire district. But in those strenuous times local interest was seldom backed by the majesty or mandate of the law, and the register of Richardson county gave Abrams, the minority candidate, a certificate on which he could base a contest. But the committee on privileges and

elections, and subsequently the house itself, decided against Abrams, and Nemaha gained the seat.

Richardson county sent Thomas R. Hare to contest for a seat in the house on the ground that a part of the territory conceded to the half-breed tract belonged to her, and entitled her to another representative. But the committee on privileges and elections reported against Hare on the law and the facts — that the house could not properly go behind the governor's apportionment for twenty-six mem-



POTTER CHARLES SULLIVAN
Speaker of the house of the second territorial
assembly of Nebraska

bers and increase the number, and, further, that no proof of the contention of Hare as to the right to include any part of the half-breed tract had been made, and that, if all that was contended for in this respect were conceded, the county would still fall short of voters entitling her to another representative. This report was laid on the table, and the matter was referred to a special committee. Four of the five members of the special committee — Campbell, Bowen, Hagood, and Morton — three of them from the South Platte and the

other, Bowen of Bellevue, constructively so — stated Hare's case as follows:

Your committee to whom was referred the memorial of Thomas R. Hare, asking for a seat in this body on equal footing with other members, beg leave to report that after mature deliberation they have come to the conclusion that said memorialist has a right to a seat in this body.

Your committee would further report that they come to the above conclusion from the following reasons.

1st. That Pawnee county was not organized at the time of apportionment, and consequently should have been considered in Richardson county, as the law specifies, for election purposes.

2nd. That Richardson and Pawnee together contained, according to the census returns, one hundred and ninety-three voters, but fifty of those were returned as living on the half-breed tract, but since the census has been taken the half-breed tract has been run out, and the true boundary on the west fixed, which shows conclusively that there are only 23 voters on the half-breed tract which, taken from 193, leaves 170 legal voters in Richardson county. Taking then 56 as the basis of representation, Richardson county is entitled to three representatives.

Your committee would further report that the law providing for taking the census and apportioning the representatives, in section four, provides that the whole number of members of the house of representatives shall not exceed twenty-nine for the next session, and that it would be doing no injustice to the balance of this territory to give to Richardson county her full representation on this floor, since it comes within the bounds prescribed by law.

All of which your committee would respectfully submit and recommend.

A resolution that Mr. Hare be admitted to a seat as joint representative from Richardson and Pawnee counties was carried on the 26th of December by a vote of 13 to 11. Four North Platte members, Gibson of Dodge, Larimer of Douglas, Bowen of Bellevue, and Sullivan of Washington, voted aye, and four South Platte members voted no. On the 10th of January the council sent a communication to the house which contended that by the organic law the number of members of the legislature could be increased only by the act of both houses, and that therefore Hare was

not a legal member of the house. The house replied with a short and snappy resolution reciting that it was the judge of the qualifications of its own members, and suggesting that the upper body had better be about its own business. But Hare evidently was not made of staying stuff, for on the same day he resigned "to effectually put down this disorganizing spirit and not from any conviction of my not being entitled to my seat."

On the morning of December 19th the governor delivered his message to the two houses in joint session in the hall of the house. We may overlook the painful prolixity of this document, and even with propriety give place to its length on account of its painstaking review of the general social conditions of the territory after a year's experience under the harness of formal organization. The message is such a paper as might be expected of a man of such antecedents and qualities as are attributed to him in the following "send-off" by the Helena (Arkansas) *Star*:

We were honored on Monday last with a visit at our office from Hon. Mark W. Izard, governor of Nebraska, and his private secretary, James S. Izard, Esq. They were here waiting . . . for a boat, to take passage for their new field of labor. The appointment of Colonel Izard to the governorship of Nebraska territory is one among the very best appointments that have been made during the administration of President Pierce. He was for almost a quarter of a century a member of one or the other branches of the Arkansas legislature, and during the period of his long and valuable services in that body he served at different times as speaker of the House of Representatives and President of the Senate; and in all the many honorable and responsible stations to which he has been called, he has discharged his duty usefully and successfully, and although a minister of the gospel, active in every cause of religion and benevolence, remarkable for his exemplary life and fervent piety, yet he has been all the time an active partisan, and has done more, and sacrificed more for the democratic party — the party to which he has been warmly attached — than perhaps any man in Arkansas. Not endowed with shining talents, though of excellent sense, his career furnishes a remarkable instance of the deserved success of probity, fidelity, industry, gentlemanly bearing and inflexible honor: and our sincere wish is that he may yet live

to see Nebraska a state, and highest honors his.

While the message clearly confirms the *Star's* estimate that the governor was "not endowed with shining talents" and possibly leaves open the question of "excellent sense," yet, regarded as a contemporaneous view of conditions and an authoritative statement of facts, it is interesting and valuable history. Its preaching proclivities may perchance be suggestive of the more pretentious national executive messages just now in vogue, and it seems charitable to point out this mutual sanction of which both stand so much in need.

The governor's picture of the industrial development of the territory was mainly fanciful and gratuitous. For many years after this time progress was chiefly speculative—hoping instead of doing. Until 1861 the inhabitants were virtually non-producers. And industrial development was very limited until the coming of the railways encouraged it—or in fact made it practicable.

The report of the territorial auditor to the legislature showed a bad financial beginning. The levy of a tax of two mills on the total assessed valuation of \$617,882 would have yielded an insufficient territorial revenue at best; but the auditor was obliged to report that, as not a single county treasurer had settled his accounts with the territory, he had no means of knowing how much had been collected, and he had been obliged to draw warrants to meet expenses to the amount of \$1,971.20, with about \$1,000 of the last year's appropriations still to meet. The warrants covered incidental legislative expenses, which the federal treasury did not recognize, amounting to \$1,454.70, and the salaries of the auditor, treasurer, and librarian in the munificent sum of \$516.50. The valuation of the counties was as follows:

Burt	\$ 13,006
Cass	71,524
Dodge	14,455
Douglas	311,116
Nemaha	74,980
Otoe	85,701
Richardson	26,643
Washington	20,397
	<hr/>
	\$617,822

Hadley D. Johnson was elected public printer by the two houses, and an attempt was made to choose a joint chaplain also, but the houses could not agree, and Rev. Henry M. Giltner was chosen by the house and Rev. William Bates by the council.

On the 26th of December, O. D. Richardson, J. L. Sharp, and J. D. N. Thompson, of the committee appointed at the previous session to prepare a code, reported that Mr. Poppleton had resigned from the committee, and that since they "could avail themselves of but a very limited number of the revised codes of the different states on account of their scarcity in this region, and as the territorial library has not yet arrived" but few books were within their reach. Still, though their work had been laborious, it was nearly completed. It would consist of four parts, two of which were now reported and the other two, relating to courts and to crimes, would be ready within a week.

The two houses appointed a committee to examine the work of the code commission, consisting of A. A. Bradford, A. D. Jones, and S. M. Kirkpatrick of the council, and Bowen, Riden, Finney, Miller, and Moore of the house, with Bradford for chairman. This committee reported the work of the commission, with such amendments as they saw fit to make, to the council, and most of the first two parts was finally adopted by both houses, the remainder going over, without consideration, to the next legislature. Those parts of the code adopted by the first legislature, relating to courts and their jurisdiction and to crimes and their punishment, crude as they were, remained in force until the third legislature provided a substitute for the first and repealed the second, leaving the territory for a time entirely without criminal law.

The new law provided that the general assembly should thereafter meet on the first Monday in January of each year, instead of the first Tuesday of December as fixed by the law of 1855. The census act of March 16, 1855, provided also that annual elections should be held on the first Monday in August, except the first election, which should be held



R. H. Henry

[NOTE — R. H. Henry was an early merchant and banker of Columbus, Nebraska. Also county commissioner.]

the first Tuesday of November, 1855; and the election law of the same year also provided that elections should take place the first Tuesday in November, so that for that year there was no conflict. The census act of January 26, 1856, provided that the election of that year should be held on the first Tuesday in November. But the elections law provided that general elections should be held on the first Monday in August; that a delegate

also took from the governor the power to receive returns and issue certificates of election to candidates for members of the legislature and of "forming precincts" in the several counties, which was conferred by the census act of 1856 as well as that of 1855. The authority first named had also been conferred upon county clerks by the election law, and the second upon county commissioners by the law creating the commissioner system. This



From a photograph made in 1859 by P. Golay, and now owned by Mrs. S. D. Beals of Omaha.

SECOND TERRITORIAL CAPITOL BUILDING OF NEBRASKA

Erected in 1857-1858 at a cost of about \$130,000, and located on Capitol Hill, Omaha, the present site of the Omaha high school building. This shows the building in its uncompleted condition with only a few of the columns in place, and these were later pronounced unsafe and removed.

to Congress and members of the council should be chosen in 1856 and every second year thereafter; and that all territorial and county officers, including district attorneys, justices of the peace and constables, and one county commissioner for each county, should be chosen in 1857, and every second year thereafter. This conflict was settled by another act of the second session which provided that the election of 1856 should be held in November instead of August. This act

reconciliation act was introduced on the evening of the last day of the session by Dr. Henry Bradford and immediately passed by both houses. The incident illustrates again the carelessness and lack of oversight of the early legislatures. The act creating the county commissioner system provided that all three commissioners should be chosen the first year — 1856 — and one of the three every year after.

Continued contradictions and crudities indi-



Nathan P. Dodge

[NOTE.—Nathan P. Dodge was one of the early homesteaders near Fremont, Nebraska. Afterwards he was a prominent banker of Council Bluffs, Iowa.]

cated more than the ordinary degree of inefficiency common in legislative bodies. Chapter 2 prescribed the duties of county assessors, while their election or appointment was not provided for, and the section of the old law imposing the duties of assessment on sheriffs remained unrepealed. The laws had been considered by the standing code committee for nearly a year, and again by the joint special committee during the session, and had been copied largely in blocks from the statutes of other states, so that a reasonable degree of accuracy might have been expected.

A general incorporation law was passed, but it was not exclusive, the power of the legislature to pass special acts of incorporation being specifically recognized. A general act for the incorporation of towns was passed, and the term "city," so greatly overworked at the first session, had apparently dropped from notice through exhaustion. Under the laws of the first legislature the business of counties was distributed in a complicated mess among various county officers, the judge of probate falling heir to all that was not specifically parceled out to others.

The second legislature established the county commissioner system, and placed the general business of the county in the hands of three commissioners elected from as many districts therein. This commissioner system reached Nebraska on its westward course from Pennsylvania through Ohio, Indiana, Illinois, and Iowa, our legislature having copied it from the Iowa statute. It originated in Pennsylvania in 1725, but its germ in the Northwest Territory first appeared in 1792 in the first county organized there, and which comprised about half the present state of Ohio. It was adopted in a more developed form in 1795, and in 1804 three commissioners, possessing general fiscal and administrative authority, were elected in the several counties of the state of Ohio. The commissioner system then in its present scope, essentially, came to us from Ohio.

By a special act the commissioners were empowered to divide the counties into "convenient precincts," each entitled to two justices of the peace and two constables. This

decentralizing act took this power away from the governors, with whom it had been lodged up to that time.

Under the new school law the territorial librarian continued to act as superintendent of schools with a salary of two hundred dollars a year, in addition to his salary of one hundred dollars as librarian. The confusing and demoralizing provision of the act of 1855, giving authority to both county superintendents and district boards of directors to examine teachers and to issue them certificates to teach, was retained in the act of 1856, except that the clause "or cause to be examined" of the act of 1855 was stricken out and the duty of making examinations thus peremptorily imposed upon the incompetent directors and virtually annulling the like authority of the county superintendents. These officers were allowed two dollars for each day of actual service and two dollars and fifty cents for each quarter section of school lands they might sell — when they should come into market. The salary of the territorial auditor was fixed at two hundred dollars, and of the territorial treasurer at one hundred and fifty dollars. The salaries of all the officers named remained the same as they were the first year, and in comparison with the comfortable compensation of the governor, secretary, and judges, which was paid out of the federal treasury, furnishes a fair illustration of the poverty of the territory at that time. The laws for estrays and for the registry of marks and brands, both favoring the running at large of live stock, indicated the feeling of the time that even in the eastern part of the state the raising of cattle was of more importance than the cultivation of the soil. A provision was added to the law governing the common school system directing county superintendents of schools to appraise sections 16 and 36 — the lands set apart for school purposes by the organic act — at a value of not less than one dollar and twenty-five cents an acre, and offer them at public sale, the proceeds to be invested in real estate mortgage bonds drawing ten per cent annual interest, and the interest alone to be used for maintaining schools. The legislature memorialized Congress in a joint resolution to

convey these school sections to the territory as they were surveyed, that they "might be enabled to apply a portion of the same in raising a fund for school purposes while we have no other resources by which to raise said fund." The legislature undertook to break up the official carpet-bag system by providing that a delegate to Congress must have resided in the territory at least one year before his election, and that members of the legislature must have resided in their districts six months before the time of their election. A requisite of residence for a married man was that his family should reside in the territory. This act was a sign of a growing belief in the permanency and stability of the settlement of the territory. In the same act those eligible to any office of trust or profit were confined to free white males — the same class which by the organic act composed the electorate.

The marriage act of the first session declared all marriages between whites and negroes or mulattoes void. The act of 1856 changed this so as to limit the prohibition to those possessed of one-fourth or more of negro blood. The act of the first session was reported by Mr. Richardson from the judiciary committee of the council, and was copied from the Iowa statute of marriages of January 6, 1840. The act of the second session was reported "with amendments" by Mr. Bradford, chairman of the joint committee for examining the work of the code commission, and was further amended in the committee of the whole in the council, and also by the house. The modified provision in relation to the intermarriage of whites and negroes remains in the statutes of the present day. The prohibition was dropped in Iowa in the revision of 1860. A bill repealing the section in question, introduced by Mr. Ricketts, a colored member of the house, was passed by the legislature of 1895, but was vetoed by Governor Holcomb. The veto message discloses the objections taken by the governor:

After careful consideration I am led to the belief that this measure does not represent a demand of the people, and return it without my approval. The effect of the bill is to legalize marriages between the white and black

racés. It is a question of gravest importance, and should demand the careful deliberation of the legislative body before a change is made in the law. From the statements of various members of the legislature it is apparent that this measure was hurriedly passed during the closing hours of the legislative session without consideration, many members afterwards openly declaring that they did not know they had voted for the bill on its final passage. The alteration of existing laws, contemplating pronounced changes in moral and social questions, should emanate from the declared wishes of the people. There is in my opinion no pressing demand for the proposed amendment. If the people desire that this change be made the question can be agitated, and at the next session of the legislature the will of the people may be expressed after a careful consideration of the proposed amendment. Without entering into a discussion of the merits of the proposal to allow the inter-marriage of whites and blacks I am constrained to disapprove of this hastily enacted bill.

An act of this session provided for the first military organization, and territorial and military terms are confused in the enactment with characteristic frontier freedom: "The territory of Nebraska shall constitute one division: said division shall consist of two brigades. All that portion of the territory lying north of the Platte river shall constitute the first brigade. And all that portion of the territory lying south of the Platte river shall constitute the second brigade." The official list was as formidable as the rank and file turned out to be insignificant. It is the present-day recollection of General Thayer that little more than nominal organization was accomplished under this act at that time. The governor was to be commander-in-chief of all the forces; and a major-general of the division, and a brigadier-general of each brigade were to be chosen by the two houses of the legislature, which held a joint session for that purpose, January 24, 1856. John M. Thayer was elected major-general, and L. L. Bowen, of Douglas county, brigadier-general of the northern district without opposition. John Boulware of Otoe county, and H. P. Downs, H. P. Thurber, and Thomas Patterson of Cass county were candidates for the office of brigadier-general for the southern district. On the first ballot Boulware re-

ceived 15 votes, Downs 9, Thurber 4, Patterson 7. On the second ballot Boulware and Downs had 18 votes each; on the third ballot Boulware had 14 votes and Downs 21, and so Mr. Downs became brigadier-general of the second brigade.

There was a general grist of special acts of incorporation, but much fewer in number than at the first session. Simpson University of Omaha (reincorporated), Nemaha University at Archer, Washington College at Cuming City, the Plattsmouth Preparatory and Collegiate Institute, and Western University "to be located near, or in Cassville, Cass county," made up the modest list of incorporations for higher institutions of learning. The first was organized under the auspices of the Nebraska district and the Council Bluffs district of the Iowa annual conference of the Methodist Episcopal church. The other four were to be stock corporations with a capital of one hundred thousand dollars each. None was ever successfully organized.

There was a strong movement in the house, stimulated of course by the still living capital feud, to create the county of Sarpy out of the southern half of Douglas. A compromise was effected in the shape of a substitute which formed a separate election district out of the territory now comprising Sarpy county, with the exception of a strip two miles wide on the present southern border of Douglas county. The second legislature formed the judicial districts as follows: First district, Burt, Dakota, Dodge, Douglas, and Washington counties, "and the territory north and west"; second district, Cass, Clay, Lancaster, and Otoe counties, "and the territory west thereof"; third district, Johnson, Nemaha, Pawnee, and Richardson counties, "and the territory west of said counties." Chief Justice Ferguson was assigned to the first district, Associate Justice Harden to the second, and Associate Justice Bradley to the third.

A general law was passed empowering the people of the several counties to select or change the location of the county seats. The "Salt Spring Company" was incorporated "for the purpose of erecting suitable buildings, furnaces, and reservoirs to carry on the business

at the Salt Springs discovered by Thomas Thompson and others, lying west of Cass county." The six applications for divorce were referred to the judge of the first judicial district for action at his discretion. The first legislation for the Order of Odd Fellows in Nebraska was the incorporation of "the Masonic and Odd Fellows Hall Company" of Otoe county "for the purpose of erecting in Nebraska City, South Nebraska City, or Kearney City a suitable building or buildings to be used in part as a hall for Masonic and Odd Fellowship purposes"; and also the Odd Fellows' Hall Association of Omaha, No. 2, of Nebraska territory. A penitentiary for the territory was located at Tekamah, and the proprietors of the town were required to donate ten acres of land for a site. But though Congress was regularly importuned by the territorial legislatures, no appropriation for constructing the proposed penitentiary was obtained until just before the time of admission to statehood. The first act providing for the organization of religious societies was passed at this second session.

The boundaries of Cass, Dakota, Nemaha, Otoe, and Richardson counties were changed, and in this act one "t" is dropped in the spelling of Otoe. The organization of eighteen new counties was also authorized. Seven of these, namely, Clay, Greene, Gage, Izard, Lancaster, Saline, and York, had been authorized by the previous legislature. Two of the new names in this act, Calhoun and Monroe, and two of the old, Greene and Izard, have disappeared from the map, no organization having taken place under them, and Clay and Jones were organized, but the first was afterward merged with Gage and Lancaster, and the second with Jefferson county. Monroe county voted at the general elections of 1859, and its returns became notorious in the contest between Estabrook and Daily, candidates for delegate to Congress; it was added to Platte county by the legislature of 1859-1860. The rising tide of Civil war passion in the legislature of 1861-1862 swept the names of Calhoun, Greene, and Izard off the map, and substituted for them respectively Saunders, Seward, and Stanton. The bills changing the names

all passed with a rush and without division, and apparently without comment by the press.

The continued impoverished condition of the territorial finances is illustrated by the act authorizing the treasurer to borrow four thousand dollars on the bonds of the territory, at a rate not exceeding fifteen per cent annual interest, for the purposes of paying officers and employees of the first and second legislatures and for the taking of the census of 1855. A large number of territorial roads were specifically established, and a general law gave county commissioners power to open and keep in repair all county roads. Room was found for four more ferry franchises on the Missouri river. The most important legislation of the session was the granting of charters to five so-called wildcat banks: The Bank of Florence, the Nemaha Valley bank at Brownville, the Platte Valley bank at Nebraska City, the Fontenelle bank at Bellevue, and the Bank of Nebraska at Omaha.

Joint resolutions were adopted asking Congress to grant ten sections of land and five thousand dollars for the benefit of Nebraska University at Fontenelle; for the removal of the Omaha Indians, according to their wish, from their new reservation in the Blackbird hills to some place in the interior, and for indemnity to settlers who were driven from their homes by the removal of the Omahas to Blackbird county; for a change in the organic act of the territory so as to base apportionment of representation upon the entire population instead of voters only; for an appropriation to pay the expense of defense against Indian depredations during the past year, and the donation of one hundred and sixty acres of land to each man regularly mustered into the service for such defense. Mr. Gibson, for the committee on federal relations, made a report in the form of a memorial to Congress praying for a free grant of one hundred and sixty acres of the public domain to actual settlers of Nebraska, which illustrated the spirit and anticipated the arguments that a few years later stimulated the passage of a general homestead law.

On the 11th of January, Mr. Decker introduced a bill to relocate the capital at Chester,

in what is now Lancaster county, and on the 16th, William A. Finney, J. Sterling Morton, and James H. Decker, of the committee to whom it had been referred, recommended its passage. Dr. George L. Miller made a minority report as follows:

. . . . A brief review of the organization of the territory brings to our consideration the fact that, in accordance with the requirements of the organic law, the seat of government of Nebraska was, by the acting governor of the territory, located at Omaha City. The wisdom of that selection was confirmed by a subsequent legislature against the most strenuous efforts made to frustrate and defeat that organization, and an unprejudiced view of the existing condition of our affairs would seem to impose upon all who desire the permanent progress of our territory the duty of upholding that policy under which we are enjoying the benefits of a just and impartial administration of the territorial government. It cannot be denied that the capital is now located as near the geographical center of the territory as may be, and that its present situation is the best that can be named for the accommodation of its resident population. A comprehensive view of the interests to be consulted upon this subject would show that its removal to a sparsely populated district could possibly be of no practical advantage to the territory at large. Large amounts of money have already been expended toward the erection of a suitable state house at the seat of government as now established, and under the liberal patronage of the parent government and the energetic direction of his excellency, the governor, we have every reason to congratulate ourselves upon the prospect of its speedy completion. To reverse the policy under which we are so prosperously advancing in our career would be, in the opinion of the undersigned, eminently disastrous and suicidal. For these, among other reasons, I beg to report adversely to the bill under consideration, and to recommend the indefinite postponement of the same.

Mr. Thomas Gibson also made a minority report which is of interest as a reflection of the opinion at that time as to the probable coming center of population. Mr. Gibson admitted that the proposed location on Salt Creek might benefit a large majority of "our present population," but his objection was based on the following considerations:

. . . . From information which may be had it is supposed that 80 to 100 miles will be the

extent of our settlements westward, and about 100 miles northward. It is seen, then, that the relocation must be north of the Platte river, and about 40 miles west from the Missouri to be centrally situated; and in selecting a site for so important a purpose it is requisite that reference should be had to eligibility for the purpose of a town site, where water, timber, and position of land are found supplied, and where a location for health will be a desideratum. Such a position can be found on the Elkhorn river, and not one more desirable than the city of Fontenelle.

With his report Mr. Gibson offered a bill to locate the capital at Fontenelle. The removal bill was killed by postponement on the 22d of January by a vote of 13 to 11. Of the South Platte members, Hagood and Buck of Cass and Hoover of Richardson and Nemaha voted against removal, while all those voting for removal were of the South Platte.

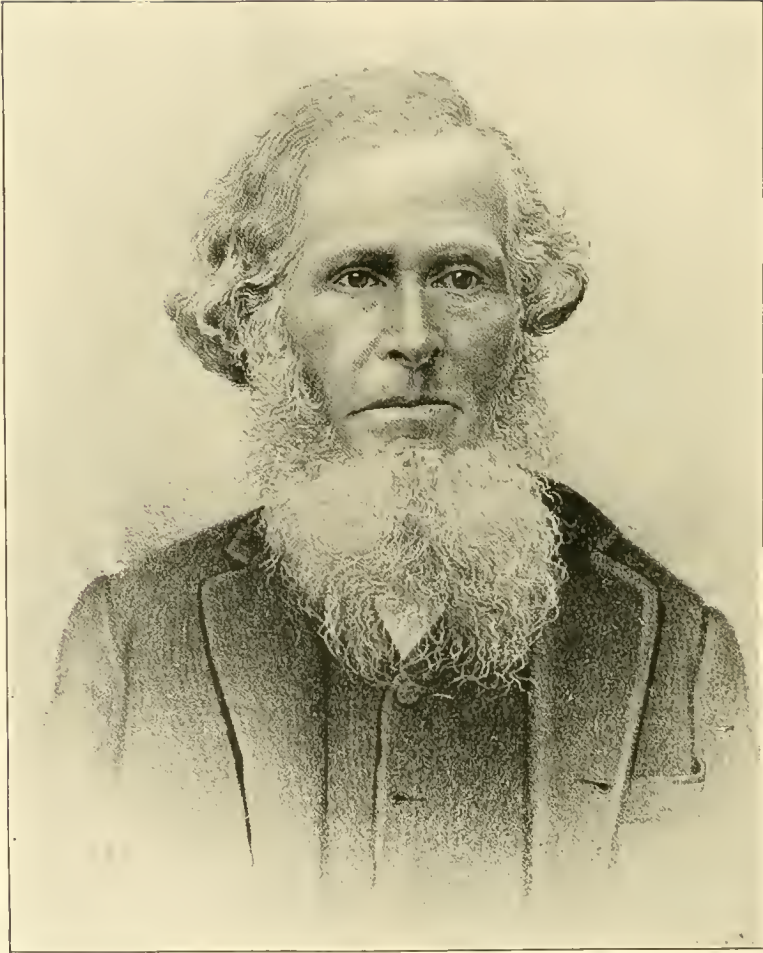
Two members—J. Sterling Morton and Dr. George L. Miller—whose flight, in state politics, was to be long and high and to extend into the national empyrean, tried their fledgling wings in this second legislature, and in spite of their adolescence they at once became conspicuous. J. Sterling Morton, not yet twenty-four years old, was chairman of the committee on public buildings and grounds, and second on the committees on common schools and printing. We readily infer that the chairmanship of the public buildings committee was not unsought by Morton nor grudgingly bestowed by Speaker Sullivan. Hostility to the Omaha element and, in particular, to Secretary Cuming as its rough-shod general, had already naturally focused in Morton's intense temperament. It was the intention of the anti-Omaha, or roughly rounded up, the South Platte representatives to undo the capital location business of the first session and to uncover the methods of its doing. Speaker Sullivan of Washington county, which had lost the capital prize, was the natural ally of the South Platte. Morton at once began an inquisition for a showing by Secretary Cuming to the house as to his expenditures for public printing, and by the governor and secretary of all documents in regard to public buildings, including estimates and contracts; and later in the session his resolution "requir-

ing" the secretary "to lay before the house of representatives a copy of his instructions which he alleges to have received from the comptroller of the United States treasury in regard to the pay of clerks, firemen, and chaplains for this territory." Since the expenditures under the first two subjects of inquiry were from federal appropriations and for which the secretary and executive were accountable to the federal treasury department, technically, perhaps, they could not be required to account also to the local legislature. The secretary promptly responded to the first request, but it does not appear that the governor or secretary complied with the request for a showing as to public buildings.

The more diplomatic Gibson, of Dodge county, moved to cure the innuendo of the intentionally undiplomatic Morton by substituting the word "has" for the words "alleges to have," but Miller, who was the alert defender on the floor of Omaha men and measures, moved to table the resolution. The motion was lost by a vote of 11 to 13, and, after the more judicious word "request" had been substituted for Morton's intentionally peremptory "required," on motion of a more peaceable, if less virile South Platte member, the resolution passed without division. All who have watched with clear vision Morton's long and impressive career till its late lamented end, will read in this boyhood resolution the forecast and the epitome of the man; the same undisguised and relentless attack on opponents, the abandon in giving battle which burns the bridges of retreat, and the uncompromising and implacable spirit which, while they were perhaps the chief source of his strength, yet almost uniformly defeated his political aspirations. The following resolutions, also characteristic of their mover, were offered by Mr. Morton:

WHEREAS, At the last session of the legislative assembly of the territory of Nebraska, James C. Mitchell was appointed, by joint resolution of the Council and House of Representatives, sole commissioner to select the place whereon the capital buildings should be located or erected; and

WHEREAS, The said James C. Mitchell, as a condition precedent to his appointment as said commissioner, pledged himself to select



*Yours Truly
John F. Buck*

[NOTE—John F. Buck was a pioneer of Cass county, Nebraska]

the site for the capital buildings on the line between the Clancy and Jeffrey claims; and

WHEREAS, There has been a different location of the capital buildings, and an evident departure from the pledge of said James C. Mitchell, as made by him in open Council; Therefore,

RESOLVED, That James C. Mitchell, be and hereby is respectfully requested to present to both Houses of the legislative assembly a report stating fully and explicitly all that he has done relative to the performance of the duties enjoined in said commission, stating fully and explicitly the reasons that induced him, the said Mitchell, to depart from his pledged honor to locate the said buildings on the line between the said Clancy and Jeffrey claims, and whether there was any reward or promise offered him to influence the location or selection of the site for said buildings.

RESOLVED, That in the event of any person or persons having offered any inducements, pecuniarily or otherwise, or having used any arguments to influence his action as said commissioner, that the name or names of said person or persons be given, with all the inducements offered.

After a hot controversy the resolutions passed by a vote of 14 to 10, and here again Miller and Morton led the fight on opposite sides.

J. Sterling Morton's father was a close friend of Lewis Cass, and the bright and susceptible boy had no doubt been much impressed by that statesman's character and career. Cass's distinguished political life had budded in his military and political experience in the Northwest, which had extended even as far as Minnesota. It is a fair inference that young Morton was inspired by the knowledge of the older man's western beginnings, and not unlikely by his direct suggestion, to attempt a like career by following a like course. It might have been expected that Morton, with his political aspirations, after defeat as a partisan of Bellevue, would take counsel of expediency and follow victory to Omaha, now the politician's Mecca. But his aggressive and implacable spirit preferred to fight Cuming and his capital as well, rather than to follow them; and in Nebraska City, the most considerable town, and in the leading county of the territory, he chose the best vantage ground. At a time when nothing was regarded

as finally settled and with as good a chance as her rival for railroad favors, there was firm ground for hope that Nebraska City might keep the lead and deprive Omaha of the capital, too. The last hope, only, came true.

S. F. Nuckolls, of strong, resolute character, a successful man of business, and a principal factor of the considerable prestige and prospect of Nebraska City, discerned Morton's promising qualities, and no doubt influenced him in his choice. In the work of developing the aspiring metropolis of the South Platte section, in which Nuckolls had the chief interest, and in the fight already on against Omaha and the North Platte for political and commercial supremacy, these men of differing temperament and tendency would be mutually supplemental. "We were proud of his acquisition," says Hiram P. Bennet, himself one of the promising young men, and afterward a prominent political figure in the South Platte struggles, of whom Nuckolls had already become in some degree an adviser and patron. For this bitter and protracted warfare the base was wisely chosen, in proof whereof results eventually reinforced reason. For, as we shall see, the prestige and hostility of Otoe county, reflected and largely kept alive by the strong personality of Morton, turned the scale against Omaha in the last weighing of aspirants for the capital. Morton carried on his fight against Omaha and the North Platte section along two lines; he would take away the entire South Platte from Nebraska and annex it to Kansas; or, short of that, he would take away the capital from Omaha and the North Platte and place it in the South Platte section. Failure of his more sweeping scheme of secession was apparent as early as 1860, but he, or the force of his early impetus, followed the other line to final success in 1867.

They who have known the riper Morton need not be told that he did not spend his political novitiate in this session in laboriously compiling and introducing long lists of bills to be counted off to his credit by an astonished and admiring constituency or a wondering posterity. In fact he presented only three bills and as many resolutions, while similar achievements of colleagues, otherwise un-



Chas McDonald

[NOTE — Chas. McDonald was a pioneer merchant and banker of North Platte, Nebraska]

known to fame, must be counted by the score. His activities came from original or unusual sources, and he struck in unexpected quarters. While his colleagues, with the weak yielding and impulse of "the crowd," were rushing through wildcat bank charters he interposed a minority report against the principle involved as well as against the acts themselves. While ordinary men were crying Peace! Peace! as to the North and South Platte divisions, where there could be no peace until the then only dimly foreseen railway system should establish practicable communication between the sections, he cut to the quick of the question by advocating secession of the South Platte and presenting a memorial to Congress for the annexation of that part of the territory to Kansas, giving cogent reasons therefor. The originality of Morton's methods is illustrated in his intervening motion, when it was proposed that the house forthwith choose an additional enrolling and engrossing clerk, that a committee be appointed to examine candidates. The committee reported as follows:

The special committee on the matter of engrossing and enrolling clerks respectfully submit that they have received applications for the post from the following gentlemen: Messrs. Alden, Gorton, Dendy, Warner, and others, and beg leave to commend the ability of the gentlemen named above as they believe them equally qualified to fill the responsible position which they seek. Your committee therefore submit the matter to your consideration.

J. STERLING MORTON.

LEVI HARSH.

GEO. L. MILLER.

The house selected the candidate at the head of the list after six ballots. Where is there a record of a formal civil service proceeding in this country that precedes this one conceived by our tyro statesman of twenty-three years? Morton opposed the civil service reform movement in his later career until he came face to face with the conditions which had stimulated it when he was at Washington as secretary of agriculture. From that time it received his approval and advocacy.

Dr. Geo. L. Miller, who afterward became very prominent as a political journalist and leader, did not introduce a single bill at this

session, but he was very active on the floor of the house. He led the opposition to the measure to remove the capital when it was finally defeated for this session, as also in the attempt to divide Douglas county, and he stood unswervingly against the incorporation of the illegitimate financial schemes which were a blight on this legislature. Dr. Miller was a member of three standing committees, and he and Mr. Morton represented the house on the committee to prepare joint rules for the two houses.

The prominent members of the first council held their positions relatively in the second, but the three new members, A. A. Bradford, Evans, and Kirkpatrick, took an active and important part in the proceedings.

Among the rather motley membership of the second legislature not one was more grotesque and peculiar than Judge Allen A. Bradford, a lawyer by profession, who lived at Nebraska City. He was a native of Maine, whence he came to Missouri and settled in Atchison county; but remaining there only a short time he moved across the state line and became a citizen of Fremont county, Iowa. Very soon he became judge of the court of the district in which that county was situated. There are many amusing anecdotes of Judge Bradford's eccentricities and peculiarities as a jurist. In 1854 he left Iowa and settled in Pierce (now Otoe) county, and there he was elected a member of the second council. He had a general knowledge of law, a great contempt for most of mankind, and no regard for the feelings of anyone who dared differ with him upon any important question. He was sometimes politic and always keen and grasping. Therefore when, during the second session of the council in 1856, the question of chartering wildcat banks came up, Bradford was found fiercely advocating them, for the purpose of making money cheaper to the plain people and to increase the per capita circulation among the poor. He was bitter and vindictive in denunciation of all who opposed any of the bank charters, and particularly severe upon those who antagonized the creation of the Platte Valley bank at Nebraska City. Among the latter was A. D. Jones, then and until his

death a useful citizen of Omaha, whose townsite was originally surveyed and platted by him. Mr. Jones vehemently and with good logic denounced all the proposed banks as unsafe. He declared that by mere enactment or fiat the territory could not create value in paper promises to pay dollars. He argued firmly, thoroughly, and intelligently against all the financial fallacies which Judge Bradford advocated. And finally Mr. Jones made a closing argument against all the bank charters. His peroration was eloquent, with citations from the history of banking in Michigan and the crash and calamity that came to that state through a redundant issue of bank notes. Sturdy facts were arrayed in every stalwart sentence. Prophecies of the panic that would come to Nebraska when the proposed issue of bank notes had driven out gold, silver, and currency redeemable in gold, under the operation of the Gresham law, were delivered with fire and force; and then, winding up his speech, Mr. Jones said:

As an honest man who cares for his good name, I can not vote for such banking. Neither expediency nor principle demands such a sacrifice of common sense. Let the gentlemen threaten, they cannot frighten. The years that are coming, the monetary experiences that this attempt at creating values will bring to the people will vindicate my judgment. When I am gathered to my fathers I shall be remembered, I hope, as having acted wisely and well in this matter, and I aspire to no higher eulogium or epitaph upon my tombstone than, "Here rest the remains of an honest man."

At that time Mr. Jones was a squatter sovereign upon the land just southeast of the Omaha townsite, upon the north side of which the Union Pacific and Burlington depots and their bewildering maze of railroad tracks and sidings now handle the travel and freight of this continent and of Europe and Asia. The Jones claim, upon which he lived, consisted of three hundred and twenty acres. It rejoiced in a pretty piece of woods and a brook of pure water, and Mr. Jones had named it Park Wild. Thus when Mr. Bradford closed the debate in favor of chartering the Platte Valley bank at Nebraska City, the Nemaha Valley bank at Brownville, the Bank

of Fontenelle at Bellevue, the Bank of Nebraska at Omaha, and the Bank of Tekamah, he said, with all the vigor which his thin and squeaking voice would permit:

Mr. President, the honorable gentleman from Park Wild has declared himself an honest man. Perhaps he is. I don't suppose a man would tell a lie about a matter which is of so little consequence in this distinguished body. But, Mr. President, the gentleman from Park Wild talks of his death, of his grave and his tombstone and an epitaph thereupon. But if he is as good and as honest as he pretends he is, he need fear neither death nor the grave. He'll never die. He'll be translated like Elijah and go up in a chariot, be wheeled right into the golden streets of the New Jerusalem, and made a member of the everlasting choir to sing glory hallelujah forever and ever among the saints and angels; and, Mr. President, he is so good, so pious, and so honest that I wish he were there NOW.

This satirical and grotesque apotheosis of Jones finished the opposition to the bank charters and ended the debate. Mr. Jones lived to be ninety years old in the enjoyment of his well-earned good name, and the banks are all dead, having expired in the panic of 1857.

The Omaha *Nebraskian* of February 20, 1856, copies a study of the Nebraska legislature, then in session, by a correspondent of the *New York Times* — who, it alleges, was the clever young journalist, J. W. Pattison — which possesses sufficient inherent evidence of being tolerably true to life to be worth reproducing:

It is a decidedly rich treat to visit the general assembly of Nebraska. You see a motley group inside of a railing in a small room, crowded to overflowing, some behind their little school-boy desks, some seated on the top of desks, some with their feet perched on the top of their neighbor's chair or desk, some whittling — half a dozen walking about in what little space there is left. The fireman, doorkeeper, sergeant-at-arms, last year's members and almost anyone else, become principal characters inside the bar, selecting good seats, and making themselves generally at home, no matter how much they may discommode the members. The clerk, if he chooses, jumps up to explain the whys and hows of his journal. A lobby member stalks inside the bar, and from one to the other he goes talking of the advantages of his bill. A row starts up in the

secretary's room, or somewhere about the building, and away goes the honorable body to see the fun. Hon. Mr. A. gives Mr. B. a severe lecturing because he didn't vote as he agreed to. Mr. B. says Mr. A. lies, is no better than he should be and reckons he ain't much afraid of him. Mr. C. comes to the rescue and speaks in concert pitch half an hour, and says nothing; then a thirsty member moves an adjournment, and in a few minutes the drinking saloons are well patronized. Although both bodies have about seven days more to sit only four bills have been passed. It is one continued personal and local fight — a constant attempt at bargain, sale and argument. A bill to remove the capital was considered in the House last night until the small hours. It was an amusing time. The history of official corruption was renewed; how through bribery and fraud the capital was located here; how that little arch-intriguer, T. B. Cuming, did many naughty and rascally things, how the people were opposed to the location at Omaha. Morton, member from Nebraska City, Decker from the same place, a man by name of Moore and Dr. Miller took the lead in the discussion. It was nearly all, however, for buncombe.

The two-year-old commonwealth now — 1856 — begins to show rudimentary features of normal political organization and life. There is a semblance of public discussion, the basis — in theory — of present political government. There begins to be a public, and there is a good beginning of a press. The census, taken in the fall of this year, will indicate a population of 10,716, and there are two very aggressive political journals, the *Nebraska City News* and the *Omaha Nebraskan*, and one — the *Advertiser* of Brownville, that is industriously newsy. The homing instinct and spirit begin to modify or withstand the predatory carpet-bagger and the land pirate. But the dominant issues and the absorbing controversies are sectional, and they are kept alive in the main by and for the rival politicians.

The perennial politics of this period was kept in full life, during the naturally dull season between elections and the sessions of the legislature, by the regular contest over the election of delegate to Congress. The North Platte, or Omaha candidate at the second congressional election was Bird B. Chapman, a

young man who had recently come to the territory from Elyria, Ohio, in the direct pursuit of a political career, and with the prestige of being the beneficiary of a popular impression that he was a sort of political legate or next friend of President Pierce. In the character sketches by the over-apt South Platte politicians he comes to us as a mere cunning, tricky, small-bore political adventurer. In fact he was a smooth, suave, and alert politician, of just that smallish caliber which then, as now, is the most useful and likely makeup for



BIRD B. CHAPMAN
Second delegate to Congress from Nebraska
territory

achieving a term or two of congressional notoriety, and then to drop into the dead sea of normal mediocrity. While candor cannot yield to this first delegate from the North Platte more than the virtue and capacity of the average present day member from Nebraska, it can yet compliment him as the possessor of much less vice and incapacity than he was credited with by his South Platte opponents. J. Sterling Morton — still the boy of twenty-four — was, apparently, by tacit consent, and at any rate by irresistible force and irrepressible impulse, already the speaker-

in-chief for South Platte hostility. He was at all times charged with South Platte wrath, and which, let off never so copiously, yet, like the widow's cruse, was only thereby augmented. Sample vials of the Morton anti-Chapman hate, let loose by way of rejoicing at the news that the House committee on privileges and elections had decided in favor of Bennet, serve to illustrate in some sort the bitterness of the sectional spirit of the time and the characteristic way in which this most unique figure in Nebraska history manifested it:

We expected that the voice of the people would be heard there instead of the feeble and imbecile voice of our respected grandmother, the governor of Nebraska. . . . We are rejoiced at the fact, in short we are specially and exquisitely rejoiced because the great bug-a-boo of administration influence . . . failed to frighten away the facts in the case which with a thousand tongues related the baseness, the corruption and the injustice of the miserable beings who filched from Bennet the certificate [of election.] He [Chapman] was an imposter. He never voted the democratic ticket in his life until the fall before the last presidential campaign.

And then follows the epitaph:

Embalmed with soft soap, chiseled in brass, sepulchered in the cottonwood coffin of public charity, rest now his rotten remains, and ever and anon popular ridicule shall giggle his requiem while common sense shall point to the spot as inhabited by one whom she knew not.

Now, referring to the friends of the prematurely interred statesman who "lament for receiverships, registerships, and land-offices that are not," who have been "indefatigable in lying, surpassless in lickspittlery, without a parallel in rascality. Poor miserable devils, we pity, we lament your ignominious defeat, and the death of your golden calf. Trusting, however, that your affliction may be the means of your purification, we drop you down among the maggots and worms, where you will be at rest and at home, poor devils."

Hiram P. Bennet, Chapman's opponent, was the candidate of the Nebraska City coterie, just as Chapman was of the Omaha coterie. The territorial board of canvassers consisted by law of the secretary and two territorial

officers; and the auditor, Chas. B. Smith, and the treasurer, B. P. Rankin, were called in to act with Secretary Cuming in this case. Mr. Bennet complains in his speech in the contest in the House of Representatives that all the members of the board were his political and personal enemies. Judged by the prevailing standard of duty it is not surprising that this board undertook to disregard the vote of four counties *in toto* with this very vague explanation:

The board would also respectfully submit the following return of votes from Dakota, Washington, Richardson and Otoe counties upon which under the specific act which prescribed their powers and duties, viz., the act regulating elections approved March 6, 1855, they feel themselves incompetent to act.

According to the board's finding the five counties whose returns had been accepted gave Chapman 380, and Bennet 292 votes. The returns of the four rejected counties swelled Bennet's vote to 588 and Chapman's to 575—a majority of 13 for Bennet. There are no adequate recorded reasons why the board thus boldly undertook to annul nearly half the vote of the territory; and when living contemporaries of those pioneer state-builders are asked for explanations they only say, with knowing shoulder shrug, "It must have been because Tom Cuming wanted it that way."

In May, 1856, the House committee on elections, ignoring the certificate Chapman had received from the territorial canvassers, reported that Bennet was entitled to the seat, and the committee of course counted the votes of the counties which the canvassing board had thrown out. The old question of the half-breed tract vote again arose, but the committee found that the reservation was part of Nebraska and that the white settlers therein had the right to vote, notwithstanding that they had been technically excluded from the governor's census. But Alexander H. Stephens made an adverse minority report in favor of excluding the half-breed vote, which would leave Chapman six votes in the lead. This was a plausible excuse for the House to ignore the majority report, and to seat Chapman by a vote of 69 to 63; and the *Nebraskian* avers that in the final vote Congress recog-

nized the rejection of the half-breed vote by the territorial canvassers.

But Mr. Bennet's indiscretion was doubtless the real cause of his undoing. He had always been a whig with an anti-slavery leaning, and he made no pretense of democratic regeneration during his canvass. He was a promising and reliable young man who suited Nuckolls, the proprietary genius of Nebraska City, and so, influentially, of the South Platte, and who was also an old line whig, but a slaveholder. Bennet also suited Morton as a likely man to beat the detested "Brass" B. Chapman, as he called him. What suited Nuckolls and his two promising protégés, Morton and Bennet, for practical purposes suited Otoe county, which led the South Platte. The *Brownville Advertiser*, however, had from the first, for reasons of its own, been inclined to cast its political fortunes with the North Platte element, and Nemaha county had actually given Chapman a majority of one. We even find the *Advertiser* contending that the minority report of the house committee shows that Chapman is entitled to his seat.² Furnas was sharply criticised by the South Platte press for this misalliance, which was charged to his land-office aspiration.

Bennet's clash with J. L. Sharp in the first legislature, which was wholly to his credit, had not been forgotten by that cunning politician who had diligently collected such evidence as he could of irregular voting in Richardson county, and in person laid it before the proper committee of Congress. But after the majority of the committee had reported in his favor Bennet attended the republican national convention at Philadelphia, and sat as a vice president from the territory of Nebraska. This was too much for the more strongly pro-slavery southern members to overlook, and it was welcome ammunition for his enemies at home. The *Nebraskian*, which Morton had lately alluded to as suffering from pecuniary debility and the property of "B. B. Chapman and his toadies," pounces with avidity on the rich morsel Bennet had thrown to his enemies. In its issue of July 9th it charges that Bennet "figured extensively in the late Black Republican convention at Philadelphia," and that,

"the Nebraska City *News*, edited by Morton, claimed that he was a democrat and urged squatters to vote for him, and not having learned, as they since have, that Morton's highest ambition was to tell a slick lie, many good democrats voted for him."

At this period the smaller frontier democratic newspapers were very subservient to the dominant southern element of their party, and were noisome in their abuse of negroes and negro sympathizers. And so we find the *Nebraskian* speaking of the "sooty deity" before which Bennet had bowed, and remarking in rather mixed metaphor that "this last step smells strongly of wool."

The Omaha faction — for as yet there was no organized political party in the territory — encouraged by the seating of Chapman, pressed the suggestion it had previously made for organization, and charged that sympathizers of Bennet opposed it. For Chapman to have triumphed at last was a hard blow to Morton, and instead of feigning acquiescence, as the mere politician does, and as the successful politician usually must do, while he waits for his own turn, he cut loose from restraint and attacked the democratic administration, local and general. His bitterness was increased by the fact that Chapman, in the course of his patronage purveyorship, went to Morton's home and selected for the office of United States marshal, Dr. B. P. Rankin, just the pretentious, windy, verbose, and not over-abstemious politician, between whom and Morton mutual dislike and hostility were inevitable. We learn something of political conditions and methods of those times as well as something about an interesting pioneer journalist in this item from the *Nebraska City News* of February 9, 1856:

B. P. Rankin and J. W. Pattison, are, we learn, candidates for the marshalship of Nebraska. We do hope that Pierce will let the Rankin cup pass by us. There are several half-breed Indians whose appointment would meet with far more approbation from the people. Pattison is a young man of fine ability and prepossessing appearance, and would make an excellent officer. He was almost unanimously endorsed by the members of the

² *Brownville Advertiser*, June 21, 1856.

last legislature, and also by the governor and secretary; the latter endorsement is rather against him. However, it was not love that made Granny and Tommy [Izard and Cuming] sign the letters.

The *News* of the same date gives Governor Izard's message the following greeting under the title "De Gubernier 'Proaches":

This document is characterized by that superabundance of sagacity, superfluity of patriotism and superlative degree of candor which has ever distinguished from the vulgar herd the chivalric and classic sons of Arkansas. Through its sentences one can hear the tread of a mighty intellect as it strides majestically through the labyrinthine ramifications of politics, and marches along the corridors of thought; and as he hears his soul's tongue whisper in awe, "De Gubernier 'Proaches."

In the same plethoric issue is a satire on political conditions, quite likely by Morton, but well disguised, in the form of a message by Governor "M. W. Lizard." It laments that most and the best of the large immigration has gone into the South Platte "to swell the numbers of the factious malcontents in that section." "I intend to know no north, no south in this territory, and to use all means in my power to allay sectional jealousy. I am for the whole of Nebraska, but you know, fellow citizens, that I consider North Platte the whole of Nebraska, and Omaha the whole of North Platte; thus qualified I can truly say that I am for the whole of Nebraska." The governor says that he is afraid of expending much money in the capital (though he must make some show), fearing the legality of the location should be questioned and the ingenious management of Acting Governor Cuming brought to light. He does not fear President Pierce, as he is probably aware of the necessity of keeping the disorganizers down south in the shade by any means that can be used. ". . . We can not hope for another president with whom the end will justify any means to benefit Omaha and speak in favor of the Nebraska bill." The governor admits that his laborers on the capitol were non-residents, but they voted for Chapman for delegate. He fears that he didn't manage well last winter with those dreadful Indian stories, got up so that Omaha and Council Bluffs could handle the spare gold of the troops to be sent on;

they worked badly, for they scared immigrants away from the North Platte; and, the soldiers didn't find any Indians — as was expected. The message urges the legislature to send appeals and memorials to Congress for donations so that the money may be spent for the benefit of Omaha, and the governor wants his salary increased though the fifteen hundred dollar contingent fund is already spent on his two sons.

We do not wonder that on his return, after an absence of two months, Morton is constrained — in the *News* of May 3d — to make the following confession:

We are now about to recommence our abusive proceedings in the old mild and placid style. We call our position a responsible one, one which renders us sole proprietor of more threatened lickings than we can enumerate, establishes us as sole target for the remarks of the mellifluent revolver, and secures us daily gratuitous invitations to proceed to a place of perpetual caloric.

The next item is headed "Calamity":

During our absence, as might have been expected, the country has met with a serious calamity — in the melancholy attempt of Franklin Pierce to appoint a marshal of Nebraska. Had Rankin been deputed to carry carrion to a bear we should have pitied the bear for having fallen into very bad society and commiserated him upon the fact that the carrion would never all reach him.

Another item reads as follows: "We are convinced at the present writing that Nebraska City must be the western terminus of the Burlington railroad." Though this prevision did not come true literally, yet, from the writer's point of view, it was consistently prophetic. He foresaw that the Union Pacific would begin at or near Omaha, and in the then condition of traffic and railroad building it was rational to believe that this southern trunk line would connect itself with the main commercial point in the territory of the Missouri river south of the territory to be occupied by the Union Pacific road. Light is thrown on economic conditions at the beginning of 1856 by a statement in the *News* of February 9th that claims of one hundred and sixty acres within two and a half miles from Nebraska City were selling at from five hundred to eight hundred dollars.

CHAPTER X

THE THIRD LEGISLATURE — THE THIRD CONGRESSIONAL CAMPAIGN — RICHARDSON SUCCEEDS
IZARD — THE FOURTH LEGISLATURE — FLORENCE SESSION — DEATH OF
GOVERNOR CUMING

THE third territorial assembly convened January 5, 1857. Among the members of the council, Samuel E. Rogers of Douglas is serving his third term; A. A. Bradford of Otoe and S. M. Kirkpatrick of Cass were members of the second council; William Clancy and John A. Singleton were members of the first house; and Charles McDonald and A. F. Salisbury had served in the second house. Of the members of the house W. A. Finney of Nemaha had served in the second house and A. J. Hanscom of Douglas had been speaker of the first house. R. W. Furnas, a familiar name in Nebraska, is on the list of councilmen.

L. L. Bowen, of the southern or Bellevue district of Douglas county, was chosen president of the council, and I. L. Gibbs of Otoe county was chosen speaker of the house without opposition. The South Platte was in the saddle, which meant that Douglas county was to be loser in the struggle against her dismemberment to form Sarpy county, and that Omaha was to lose the capital by a clear majority vote of the representatives, and would hold it only by the purely arbitrary veto of the executive. Morton's lampooning of Governor Izard's message had been without practical effect, for this year's fulmination excelled the other in grandiose verbosity. The message contrasts the disturbed condition of Kansas, "torn by internal dissension, her virgin soil overrun and desecrated by armed and hostile factions, her people murdered and pillaged by roving bands of lawless marauders, betrayed by mercenary demagogues and unprincipled politicians," etc., with the peaceable aspect of Nebraska, where "the people led by the coun-

cils of wisdom and moderation have succeeded in frowning down all foreign interference and in resisting the earliest encroachments of domestic difficulty, and have added, in their example, another bright testimonial of man's capacity for self-government to the many which already adorn the annals of the republic." These rhetorical bouquets, with which the governor was showering his administration, were in fact as artificial as they seem. Kansas was, by virtue of her contiguity to a slave state, the natural and the chosen battleground of the pro-slavery and the anti-slavery colonizers. There was bleeding enough going on in Kansas to satisfy all the requirements of both factions of the squatter sovereignty dogma, and so Nebraska was left in a condition of necessary peace. There was here no serious political question to fight over, and no force of any consequence to fight. In fact, no political question ever arose on the Nebraska horizon more heroic than the economic sectional question of the location of the capital, primarily raised and kept alive by the inconvenient barrier of the Platte river.

In his chronically optimistic survey of economic conditions, which there was little to justify, the governor notes that there are more than fifteen thousand people in the territory. He finds it necessary to urge again the need of a better system of laws in place of the crude and unsatisfactory productions of the first two legislatures. He asks the legislature to urge Congress to place at once the school lands reserved by the organic act at the disposal of the legislature, an appeal which the Congress was for many years wisely to disregard. He again urges that Congress should



Nancy J. Tucker



Geo. P. Tucker

[NOTE—Geo. P. Tucker was a Union soldier during the Civil War and a prominent legislator from Johnson county, Nebraska.]

be memorialized to grant lands to the "literary institutions" chartered by the first assembly, namely: Simpson University, Nebraska City Collegiate and Preparatory Institute, and Nebraska University. "The Simpson University," he says, "has been permanently located, and donations to a considerable amount have been received to aid in its erection. I am informed that some degree of progress has been made by the incorporators of each of the others." Even at this comparatively recent date Nebraska pioneers were looking to the private or semi-private schools for the means of secondary education. They had no thought then that the state university and its coadjutors, the high schools in every county, wholly supported by public tax and administered by public authority, were so soon to supersede those early objects of their deep solicitude and fond hope.

The message goes contrary to the preponderance of public opinion at that time in urging that a part at least of the public land should be put on the market without delay. In the *Advertiser* of December 6, 1856, Mr. Furnas contends that the settlers are not ready to buy their lands yet, and that the sales should be put off for two years, at least; and again in the issue of January 29, 1857, he urges that they should be put off ten years, though in the meantime those settlers who have the money should be allowed to make their entries. "But if the president listens to the pleadings of land sharks, and hastens the sales we believe it will be productive of untold injury to the pioneer settler and to the future growth of Nebraska territory." The message gives the information that the Omaha and Otoe Indians had been removed to their respective reservations during the past year. The Omahas still remain on their reservation, but the Otoes were recently removed and their reservation sold and it now forms part of Gage county.

The message was a pæan to prosperity. "No citizen of Nebraska," it avers, "can look around him and contemplate the unexampled degree of prosperity which has crowned the efforts of our infancy without feelings of the profoundest gratitude and satisfaction." The

governor — in an oblique sense — emulated the part of the elysium in Richter's comforting conceit, "Heaven lies about us in our infancy."

Under this dazzling halo the matter-of-fact territorial treasurer, W. W. Wyman, in his annual report, dated December 18, 1856, sets up a dark and dismal financial figure. He had been able to negotiate the bonds to the amount of four thousand dollars, whose issue the last legislature had authorized, only by agreeing to pay interest semi-annually at the rate of fifteen per cent per annum. Of the demands the proceeds of these bonds were calculated to meet, \$350.45 remained unpaid with only \$92 of the \$4,000 on hand. The treasurer had bound himself personally to pay the first installment of interest — \$300 — on the coming first of January, so that the necessity of advancing \$208 of his own money was impending. Only three counties of the territory — Cass, Dodge, and Nemaha — "had paid into the treasury any portion" of the territorial levy of two mills on the dollar for the year 1856, "the two wealthiest and most thickly populated counties (Douglas and Otoe) having made no payment at all during the present year." Dodge county had loyally paid her quota of the territorial tax — \$20.20 — but this loyalty does not appear so conspicuous when Mr. Wyman shows, as an illustration of his official woes, that after the county treasurer had also faithfully deducted his legal commission — \$1 — and his mileage for transferring his county's largess to the capital — \$13.50 — the net balance for the territorial treasury was \$5.70. We do not wonder that the treasurer lugubriously remarks that this was the only instance in which mileage was charged by a county treasurer, and suggests that in future such small sums be sent by mail.

The report of the auditor, Chas. B. Smith, is of course in no better spirits. It shows the indebtedness of the territory to be \$10,457.51, and of this \$8,062.01 is represented by warrants from the beginning, July 1, 1855, to January 2, 1857. That the territorial government had failed thus far to provide for the meager public expense in excess of that paid from the federal treasury was evidently due

in part to its own inefficiency, but in the main to the unsettled, uncertain social conditions which, it has been heretofore pointed out, were unusual or exaggerated as compared with any former beginning and early growth of our commonwealths.

The work of the third session of the legislature was to be no better, but probably worse than that of its predecessors. The session centered on four principal objects—the removal of the capital, the division of Douglas county, the hatching of a new brood of wild-cat banks, and the rascally repeal of the criminal code. The first two were purely and spitefully sectional; after the expenditure of the first fifty thousand dollars appropriation in building the state house at Omaha there was no level-headed reason for removing the capital until the need should arise of placing it at some more convenient point in the interior. No excuse arose on that score before the removal was accomplished—if it did then. The division of Douglas county was based on a neighborhood feud, Bellevue—plus the sympathetic South Platte—against Omaha. And yet contemporaneous authority informs us that “this and the capital question are the great features of the present session.” The division bill passed the council by a vote of 7 to 6, Furnas and McDonald being the only South Platte members who voted on the Omaha side; it passed the house by a vote of 19 to 17, only two members from the South Platte, Finney of Nemaha and Sharp of Pawnee, voting no.

In the original bill—introduced by Councilman Allen—the name of the proposed county was Omaha, but Sarpy was substituted in committee of the whole. In the bill introduced into the first legislature for the organization of Douglas county it was named Omaha, but on motion of Dr. M. H. Clark, and after sharp opposition by leading members of Douglas county, the change was made. Secondarily to the local and natural name—Omaha—both Douglas and Sarpy were appropriate. The mistake was recognized and corrected by allowing the metropolitan city of the territory and state to retain the Indian name. Restitution of the natural claim or right of the name

of Douglas to have been perpetuated in that of the capital of the state was only partially made in its retention as the name of the county of which Omaha is the seat of government. Through the inexorable and inevitable course of events Lincoln succeeded his great rival, Douglas, in national political leadership. But if there had been untrammelled expression of the wish of the majority through its representatives in the legislature of 1857, the name of the great democratic and Union leader would have been rightfully and most appropriately perpetuated in that of the capital of the commonwealth of which he was the founder, and whose political birth was the precursor if not the cause of his own political death.

In editorial correspondence with the *Nebraska Advertiser*, January 16, 1857, R. W. Furnas, member of the council and public printer, complains of attempts of the Omaha members of the house to interfere with expression of opinion in that body in favor of the removal of the capital; and he predicts that the governor will veto the removal bill, as “he could do nothing else under the circumstances.” The governor’s veto was sent to the council January 19th, and, whatever the mysterious “circumstances” which Mr. Furnas hints were to influence his act in derogation of the will and wish of a clear popular majority, he justifies it with cogent if not unanswerable reasoning. We are led, by the absence from the veto message of much of that tedious verbosity and buncombe which abound in his regular messages, to suspect that the greater delicacy and importance of this task may have brought to its execution a clearer head and more skilful hands than Governor Izard’s. The message is a plausible defense of an act bearing on its face suspicion of sectional and perhaps other improper bias, and is a realistic picture of the conditions and methods of that day.

Capital Removal Appears Again. Although the capital had been located under strong contest and a considerable amount of money expended upon the building of the new state house, factionalism and local jealousies determined that the question should not rest. The removal bill called for the location of the

capital at Douglas, Lancaster county—a purely imaginary place somewhere on the banks of Salt creek. The bill passed both house and council with proper majorities, but Governor Izard interposed a veto and the Omaha delegation was able to gather sufficient strength to prevent the passage over the veto. In the council Robert W. Furnas voted with Omaha, which prevented the necessary two-thirds majority. Finney of Nemaha was the only South Platte member of the house to vote with Omaha.

The removal seemed clearly the will of the people, and, had there been untrammelled action, in all probability the name of the great democratic leader would have been perpetuated in the name of the capital; but through the inexorable and inevitable course of events, Abraham Lincoln succeeded his rival in national leadership, and his name became perpetuated in the capital city. The *Nebraska City News*, and other papers, bitterly assailed Finney and Furnas and charged them with recreancy and corruption. Mr. Furnas defended himself and his colleague with vehemence. He declared that he had always favored removal of the capital, but “upon an honest and fair plan.” At the preceding session, just a year before, Mr. Finney, as chairman of the committee, made a report in which he was joined by J. Sterling Morton, unequivocally favoring removal of the capital to the same locality to which the bill he voted against in 1857 proposed to remove it.

Bills chartering additional banks were passed by this legislature, but were all vetoed by the governor. Two of them—for the Bank of Tekamah, and the Bank of De Soto—were passed over the veto.

Miller and Bradford of the council, and Seely, Hanscom, and Holloway of the house constituted a select committee to pass on parts three and four of the code which had been reported by the commissioners to the last or second assembly, near its commencement, but which, owing to lack of time, or of industry and care, had not been considered. Part three, relating to courts and their jurisdiction, was adopted, while part four, relating to crimes and their punishment, was again passed over

without the assignment of any reason therefor. The explanation of this delinquency must be looked for in the closely related repeal of the criminal code and that part of the civil code adopted from Iowa, which measure was introduced in the council by Bradford as early as the 22d of January. The serious consideration, and perhaps even the original passage of this bill in both houses might have been excused or explained on the ground that members expected that these bungled laws would be substituted by better ones during the session. But the following veto message sent by the governor on the last day of the session and the subsequent action of both houses sweep away or preclude excuse or palliation for the shameless act:

Executive Office, Omaha City,
February 13, 1857.

To the Council:

An act entitled “An act to repeal certain acts of the legislative assembly of Nebraska,” passed at the first session of the said legislative assembly has been presented to me for my approval.

The bill proposes to repeal all of our criminal laws passed at the first session of the legislative assembly, and all that portion of our civil code adopted from the code of Iowa. This might be well enough if the bill itself proposed a substitute or if there was even a probability that a substitute would be passed at the present session of the legislative assembly; but in the absence of both I must be allowed to doubt the policy of sweeping away a very large majority of the laws now on the statute book, thus leaving us without any means to enforce the simplest civil rights without a resort to the common law. I therefore respectfully return the bill to the Council, the house in which it originated, for its reconsideration.

Moreover, the repealing measure was brief, sweeping, and explicit, so that it must have been difficult for a reader or hearer of intelligence to miss its purport. The council promptly passed the repealing bill over the veto by a vote of 12 to 1, Dr. Miller voting the solitary no, and the house followed with a vote of 24 to 2. Mr. Furnas of the council gives an interesting but scarcely adequate account of this legislative rape. He first quotes the following explanation of the *Nebraskian*:

Early in the session of our legislative as-

sembly, which has just closed, a bill was introduced in the Council by Mr. Bradford, the title of which, as we remember it, was "a bill for an act repealing certain acts of the legislative assembly of Nebraska, passed at the first session thereof." At that time legislation was "dragging its slow and weary length along," the capitol question was not then disposed of, and this bill was several days reaching even a second reading. Our impression is that the bill was read by its title only the first, second, and third time, in the Council; we are confident that no member of that body except its originator knew anything of the merits of the bill. It was, however, at length passed in the Council and transmitted to the House, from whence it was returned near the close of the session, and was in due time enrolled and presented to the governor for his signature.

In the governor's hands the bill was scrutinized, and its character fully determined, which was nothing less than the repeal of all the criminal code of Nebraska and most of the civil code. Governor Izard of course could not sanction such an act as that, and on Friday last the bill was returned to the Council with his objections. Bradford winked and blinked "like a toad under a harrow" and with an appearance of candor well calculated to deceive, assured the Council that the governor was unnecessarily alarmed about the objects of the bill, that the repeal of our criminal code would only oblige us to have recourse to the common law, which was much better than the criminal code we had adopted. With these assurances from the dignified and truth-telling (?) judge, what did the Council do? Why they passed that bill over the governor's veto by a vote of twelve to one. Dr. Miller was the only man in that Council chamber who seemed to reflect what the consequence of his act might be.

The bill had the same fate in the House, and passed by a decided majority, and to-day there are no laws in Nebraska except ferry and bank charters. We have good reason to believe that the true import of the bill was no better understood in the House than it was in the Council, hence the ease with which it was smuggled through that body. We hold the originator of such frauds responsible; and though we were at one time disposed to regard Mr. Bradford as an honest, conscientious man, we are now forced to the conclusion that he is the most dangerous and corrupt man there was in that body of reckless knaves. He knew the effect of the bill he was introducing, and we now know the objects he seeks to attain; the principal of which, we are informed,

is to enable the murderer Hargus to escape the penalty of his crime. A man who can thus recklessly and wilfully break down every barrier that has been raised for the protection of society, for so criminal an object as that, should never be invested with the power of a legislator; he is almost as much to be feared as the murderer himself.

We have heard Mr. Bradford, the president of the Council, and one or two other distinguished (perhaps notorious would be better) gentlemen chuckling over the passage of this infamous measure over the governor's veto, as the best thing done. We doubt not that the large majority by which it passed both Houses will be cited as a certain indication of the unpopularity of Governor Izard, and the light estimation in which he is held by the people. But if there is one act of his administration which will redound to his credit more than all others, if there is one act which will receive the approval of all virtuous men, it is the vetoing of that bill, which, by repealing all protective enactments, leaves the citizens of Nebraska a prey to lawless violence, without the hope of legal redress.

Then follows the comment of Mr. Furnas:

The above from the *Nebraskian* we publish in place of an article we intended to write upon the same subject. We think Mr. Robertson, however, rather sweeping in his expression, terming the whole Council a "body of knaves." He well knows — as he was one of the clerks, and present when the bill was returned for reconsideration — that its passage was only secured by a betrayal of trust reposed in Judge Bradford as a legal man — "as an honest and conscientious man" — on the part of the balance of the Council. Even Dr. Miller himself stated in his place that he would vote for the bill "over the governor's veto" if the "honorable chairman of the judiciary committee" would assure him that it only repealed, as Mr. Bradford said, "conflicting portions of the criminal code." This assurance was given, with all apparent candor and honesty, and the bill passed by a vote as stated of 12 to 1, Dr. Miller fortunately voting as he did. Had Mr. Bradford secured the passage of this repealing bill by shrewdness, legal or parliamentary management, there might have been a shadow of allowance for him; but securing its passage as he did by downright falsehood, and abuse of confidence and respect reposed in him, he deserves to be held up to the public contempt of all well wishers of this territory.

Such, unfortunately, are the character and the reputation of legislative bodies of the

present time that trying those of a generation ago by any high standard of morality or intelligence would be incongruous. And yet the act in question seems a mixture of inexplicable and unprecedented ignorance and immorality. It is true that the members of the legislature, most of whom were young and without training or experience, would naturally rely upon the representation of the long-time chairman of the committee for the final preparation of the code that the common law would take the place of the statutory criminal code on the repeal of the latter; but even before the governor's explicit warning they must have suspiciously questioned themselves touching the criminal code: "If so soon 'twas to be done for, what was it begun for?" And there were capable lawyers at hand who easily might have exposed Bradford's charlatanism to their doubting minds. Contemporaneous explanation of Bradford's motive for bringing about the repeal of the criminal laws is obviously insufficient, though it may be correct in part. James E. Lacy had "jumped" the west eighty of a quarter section claimed by Simpson Hargus lying just west of the present county court house at Nebraska City, and in an altercation over the matter Hargus killed Lacy with a shotgun on the 23d of April, 1856. Then, according to contemporaneous explanation and belief, A. A. Bradford conceived and successfully carried out the no less audacious than novel scheme to save his client Hargus, whose trial was pending, by repealing the criminal code. But there is some ground for a suspicion that the principal motive of Bradford and his co-conspirators was to provide immunity for the culprits of wildcat banking schemes, then in the heyday of their reckless career, and perhaps more reason for thinking that Bradford himself was ignorant of the effect of the repeal. The civil procedure prepared by the code commission was promptly passed on the last day of the session after the governor's veto of the repeal had been filed; so that the territory was not left, as the veto message recites, "with no means to enforce the simplest civil rights without a resort to the common law."

Hargus was indicted for manslaughter by the grand jury and tried before Judge Black, who held, in a long and elaborate opinion, that he could be punished under the common law, and he was convicted; but at the December, 1858, term of the supreme court, a motion in arrest of the judgment of the district court was granted, the supreme court holding that "the statute providing for the punishment of the crime of manslaughter, which was in force at the time of the commission of the offense charged, was unconditionally repealed before the trial and judgment in the said district court," and Hargus was discharged. The administrator of Lacy brought suit for damages against Hargus, but the supreme court, in an opinion by Judge Wakeley, held that the repealing act took effect from its passage and repealed "absolutely and unconditionally, by a single section, both the civil and the criminal codes of the territory." The court further held that, although "on the 13th of February, 1857, the date of the repealing act, a new civil code was adopted in place of the one repealed, containing the identical provisions above quoted," yet because this second act did not take effect until the following June it did not reach back to cover the hiatus between the repeal and its passage; and so the civil case, too, failed.

In accordance with a resolution passed by the council by a vote of 8 to 5, Bradford, Allen, and Miller were appointed a committee to investigate the official acts of Mr. Cuning, both as governor and secretary, and to report to the council at its next session. The reactionary or subservient spirit of the first house of representatives, which passed a bill to prevent free negroes from settling in the territory, appeared again when Singleton introduced a bill of like purport at the third session. In the meantime public intelligence or a healthier moral sentiment had been growing in the territory, for the second bill received little encouragement. On the last day of the session it was indefinitely postponed in the house without division,¹ and was laid on the table by a vote of 10 to 3 in the council.² Only

¹ *House Journal*, 3d ter. sess., p. 191.

² *Council Journal*, 3d ter. sess., p. 100.

three members of the council — Bradford and Reeves of Otoe county and McDonald of Richardson and Pawnee — were possessed with that quality of economic and moral infirmity which prompted them to stand by the even then moss-grown measure at the final test.

The third legislature undertook to strengthen the revenue law, and raised the levy for territorial purposes from two mills to three mills, limited the levy for county purposes to not over six mills, and for schools between one-half of a mill and a mill and a half. Though under the law of 1856 county superintendents of schools were authorized to levy a tax not less than three nor more than five mills for the support of schools, yet, up to this time, the revenue for support of public schools had been confined virtually to taxes raised by the individual districts and to fines for breach of penal laws, and the proceeds of sales of water craft and of lost goods and estrays.³ The state superintendent complains in his report for the year 1856 that only two counties — Dodge and Douglas — have sent in reports, and in them the county superintendents had levied the maximum tax of five mills. He naïvely adds:

I believe there are two other counties which have such school officers, viz: County superintendents of common schools, although I am not informed of the fact from a legal source, still there are undoubtedly such officers in the counties of Washington and Cass, unless by recent death or resignation their offices have become vacant.⁴

This session ground out perhaps more than the usual grist of incorporations of cities and towns — Omaha appearing as the City of Omaha instead of Omaha City, in the charter of this year — of colleges and ferries. A select committee, consisting of Geo. L. Miller, S. M. Kirkpatrick, and S. E. Rogers, reported a memorial to Congress — which was adopted by both houses — in the nature of a protest against proposed excessive grants of land to certain private corporations and companies in a bill then pending in Congress to aid in the construction of a Pacific railroad. The memorial, which is evidently in Dr. Miller's

vigorous style, barring a degree of extravagance, is yet a true and prophetic forecast of events soon to follow. In later years protest against actual accomplishment of this prophecy became a familiar part of political platforms, national and state.

The third legislature authorized the organization of three new counties, namely, Cedar, L'eau-qui-court, and Sarpy, and all three were ready to vote at the ensuing general election — in the fall of 1857. L'eau-qui-court is now comprised within the boundaries of Knox county. The legislature continues to represent the predatory, undomesticated spirit still dominant in the territory. This spirit neglects the duty of developing and perfecting a system of law, under which permanent domestic institutions might grow, but it is enterprising in the creation of unstable banks, in bestowing innumerable special corporate privileges, and in repealing criminal laws — all, that exploitation and spoliation schemes of adventurers may be the more expeditiously and safely accomplished. Mere sectional jousts engage attention in both houses while the welfare of the commonwealth suffers. On the first of February Councilman Furnas bitterly complains: "It is a lamentable fact that legislation in which the people of the territory are interested is lost sight of amid the multitude of speculative operations for the benefit of individuals or companies, mostly, too, non-residents of the territory. . . . The session is now within eleven days of the close, and not a bill save the one relocating the capital has passed both houses. The wheels of legislation are blocked up in the council on the bank question, and in the house on the question of dividing Douglas county."

After little more than half of his regular term had expired Governor Izard left the territory, apparently not intending to return. Official record is made of this incident: "Governor Mark W. Izard left the territory of Nebraska for Washington, Arkansas, etc., on the steamer Admiral, on the 2d day of June, 1857." William A. Richardson of Illinois had

³ Governor's Message, *House Journal*, 3d ter. sess., p. 14

⁴ *House Journal*, 3d ter. sess., p. 28.

been appointed governor in May, 1857, but declined to accept the office.

The *De Soto Pilot* of July 11th quotes the *Bellevue Gazette* of June 18th as follows: "With hat in hand we announce to the people of the territory that Mark W. Izard is peremptorily removed from the office of governor which he has so long disgraced." The *Pilot* then quotes a statement in the *Chicago Times* of July 25, 1857, that "Col. Richardson having declined the governorship of Nebraska, Governor Izard will return to the territory and resume his duties," and then twits Gen. L. L. Bowen for having spent two months in Washington at his own expense, "pressing on the part of the people the removal of Izard, authorized as he was by eight members of the council of which he is the presiding officer."

On the 16th of July the *Nebraska Advertiser* states that, on account of Richardson's declination, "Governor Izard has been ordered back to resume his duties, and is now at his post in Omaha, where he will undoubtedly remain until the expiration of his term of office." It is probable that Governor Izard went to Washington with the expectation that he would be superseded, and that he came back to assume his official duties when it was found that Richardson was not willing to take his place.

On the 30th of May Governor Izard issued his proclamation for the general election to be held on the first Monday in August. Five new counties were included in the legislative apportionment of this year: Cedar and L'eau-qui-court were placed in the Dakota representative district, Gage was included with Lancaster and Clay, and Johnson with Nemaha, while Sarpy was awarded four representatives. The apportionment of the thirty-five members was as follows: Burt and Cuming, 1, Cass, Clay, Lancaster, and Gage, 4, Cedar, Dakota, and L'eau-qui-court 2, Dodge and Platte 1, Douglas 8, Nemaha and Johnson 3, Otoe 6, Richardson and Pawnee 3, Sarpy 4, Washington 3. No changes had been made in the representation of the year before except that the four members from the southern district of Douglas now came from Sarpy. Those districts to which the new counties were

attached received no increase of members. The interest in the election centered on the choice of delegate to Congress, but the usual sectional edge was wanting in this contest because four candidates appeared in the field—B. B. Chapman and J. M. Thayer of Omaha, Judge Fenner Ferguson and B. P. Rankin of Sarpy county. Though all of the candidates resided north of the Platte, Ferguson represented more particularly the South Platte, and Chapman the North Platte faction. Chapman, Ferguson, and Rankin were certainly democrats, but J. Sterling Morton's quick eye professed seeing the virus of republicanism working a little in General Thayer at this early period. The *Bellevue Gazette* of July 9, 1857, notes that "J. M. Thayer announces himself an independent candidate for Congress; platform: 'The best interests of the whole territory of Nebraska'"; but in 1859, the year of the actual organization of the republican party in Nebraska, and when the metamorphosis of democratic politicians into republican politicians first gathered courage to openly manifest itself, the *Nebraska City News* remarks that "the general was exceedingly wrathful because in his run for Congress two years ago we alluded to him as a republican." The *Advertiser* nominated Mr. Rankin on the 18th of June, pressing his merits as "the poor man's friend," and as "a conciliator in those strifes which have rent and distracted the territory." Judge Ferguson was nominated by a delegate convention at Bellevue, July 14th. Chapman was bitterly assailed by the *News* and the *Advertiser*, personally and politically, and they charged that he had never voted in the territory and was not a bona fide resident. Not many months before the *Advertiser* had been the profuse eulogist of Chapman, and now that it was recreant that smart politician did not scruple to publish a letter to himself from Mr. Furnas, editor of the *Advertiser*, stating that one of the official positions in the newly created land-office at Brownville would not be unacceptable to him. In the meantime Chapman had filled the offices with other men. At the election Ferguson received 1,654 votes, Chapman 1,597, Rankin 1,304, and Thayer 1,288. The large vote for Ferguson in Otoe

and Sarpy counties saved him; and while Chapman had a heavy vote in Nemaha, Thayer ran nearly even with him in Douglas and thus caused his defeat. He of course contested the election at Washington, but without success, and his political career was ended. William W. Wyman was again elected treasurer; Samuel L. Campbell was elected auditor; John H. Kellom, librarian; and Charles Grant, attorney-general. O. O. Richardson was ill-requited for his faithful service in the first council by defeat as a candidate for attorney-general. Another prominent and worthy figure in Nebraska history, George W. Doane, makes his first public appearance through election to the office of district attorney of the third district; and two other well-known men, James G. Chapman of Douglas county and William McLennan of Otoe county, were elected attorneys of the first and second judicial districts respectively.

Governor Izard left Nebraska for his home in Arkansas on the 28th of October, 1857, having previously resigned his office. A local newspaper, taking exceptions to a fulsome eulogy of the governor by another journal on the occasion of his departure, mildly hits off his character: "We consider him a good man—an amiable and worthy citizen—but not *exclusively* designed for a practical executive."

In 1857 James C. Mitchell, the whilom capital commissioner, was publisher, and L. H. Lathrop, editor of the *Florence Courier*. The issue of March 12th of that year contains a scurrilous attack on Governor Izard. Mitchell no doubt knew the vulnerable spots of the governor's official character and record, and so, while the reckless severity of the accusation suggests a suspicion that the governor had thwarted some of the crafty commissioner's political schemes, yet it is likely that they contained at least the tincture of truth.

A part of the *Courier's* arraignment follows:

We want a man who will be governor of the whole territory, not one who (like the present incumbent) will so far pervert his mission as to set himself up as the governor of a particular city, holding the balance of the territory as mere outside dependencies, sub-

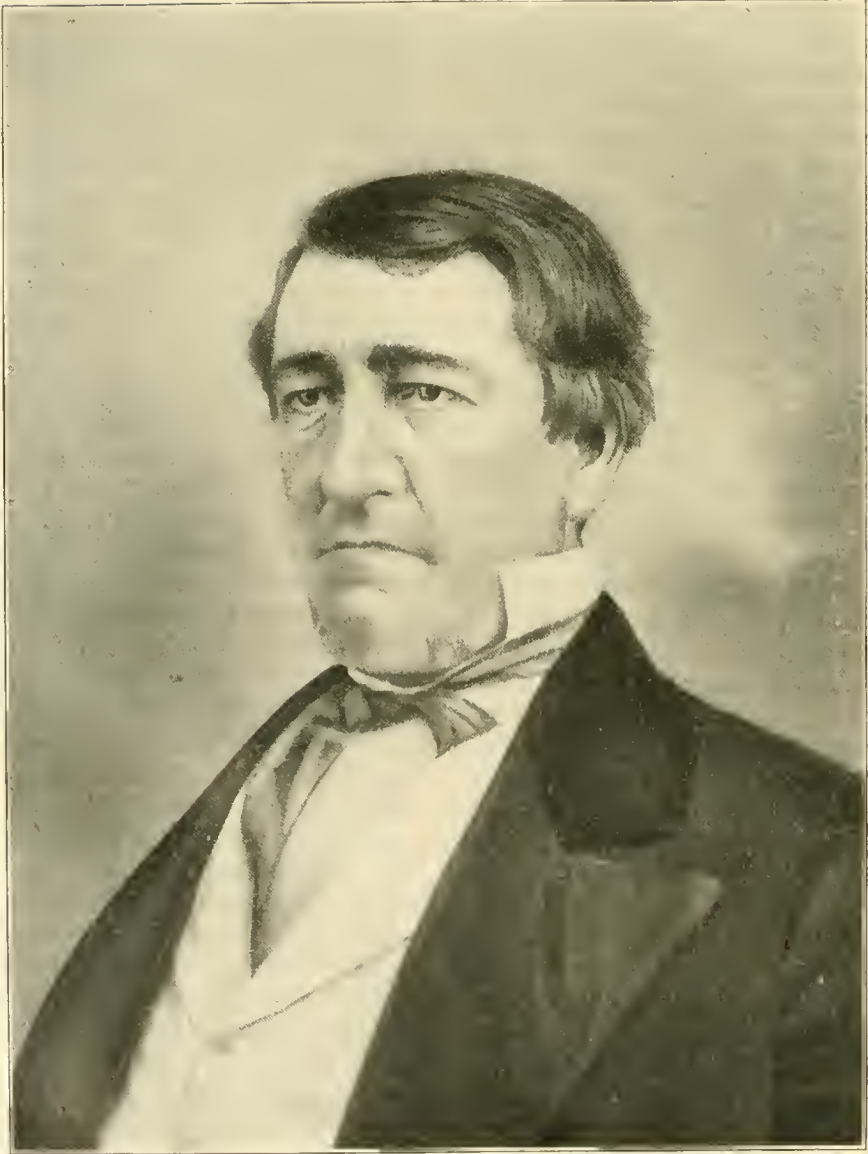
servient and tributary to that particular locality. We want a governor with some snap to him, one who will occasionally visit the different sections of our territory, and endeavor to make himself acquainted with its position, its resources and its wants; not one like Mark W. Izard who will stick himself down in Omaha and confine himself to its limits month after month and year after year, idling away his time in the mere animal enjoyment of eating, drinking and sleeping, to the manifest neglect of the interests of those over whom he has been sent to preside; looked upon and pointed at by them as the very quintessence of ignorance, indolence and imbecility.

Surely this was more than enough, but the article goes on to charge the governor with the downright sale of his approval or disapproval of bills, joint resolutions, and memorials, including bank and ferry charters.

Governor Izard interposed three notable vetoes of legislative action. His obstruction of the will of a decided majority of the legislature to remove the capital in 1857, tried by the general principle involved, seems unwarranted. Yet on the whole it may have been prudent and for the best interests of the public; and at any rate, considering his environment and his temperament, this action was a matter of course. The veto of the bank bills and of the act repealing the criminal law was in point of duty and effect, at least, wholly to his credit. The accusation which found its way into the press, that his opposition to the bank bills was purchased by the existing banks to shut out more competition, should be regarded with consideration of the reckless charges against the public men of the territory which characterized that period. The *Omaha Herald* of October 19, 1866, in noticing a statement in the *Helena (Arkansas) Clarion* that Governor Izard died at his residence in St. Francis county on the 4th of October, 1866, remarks that, "when in Arkansas we heard of Governor Izard as having lost everything during the war."

RICHARDSON SUCCEEDS IZARD. William A. Richardson of Illinois succeeded to the governorship, January 12, 1858, Secretary Cum- ing acting as governor in the interim.

Governor Richardson was born in Kentucky in 1811; he secured his early education



W. A. Richardson

in the common schools of his county, spent three years in preparatory study, entered Center college at Danville, Kentucky, from which he later entered Transylvania University at Lexington, Kentucky. At the end of his junior year he left college to teach school, and then began the study of law, which he practiced in Illinois for some time. He was state's attorney for his district, but resigned upon his election to the state legislature. He served four months in the Black Hawk war as a volunteer. He served a term in the state senate. In 1844 he was unanimously nominated and elected to the house of representatives and was chosen speaker. He served in the Mexican war with the rank of captain. In 1847 he was elected to Congress, and re-elected to the same position upon the expiration of his term. In 1856 he resigned his seat in Congress to accept the nomination for the office of governor on the democratic ticket and was defeated. The next year President Buchanan tendered him the appointment as governor of the territory of Nebraska, which appointment he declined; but in December of 1857 the office was again offered him and accepted. He was inaugurated January 12, 1858, at Omaha. He resigned his office within a year and returned to Illinois where he was again elected to Congress; he resigned his seat in the house to enter upon his duties as United States senator to fill out the unexpired term of Stephen A. Douglas.

J. Sterling Morton and Andrew J. Poppleton were again returned to the house, and among other members who afterward became prominent in the state were J. W. Paddock and T. M. Marquett. The contest for the office of speaker was between J. H. Decker and J. Sterling Morton—both of Otoe county—the former receiving 20, and the latter 12 votes. Mr. Morton's attitude toward the capital question had been completely reversed, and at a public meeting held at Nebraska City, after the adjournment of the legislature, where the members from Otoe county were called upon to explain their action in the Florence affair, Morton boldly stated that two years before in the capital contest he had struggled to the end for re-

moval; a year later when he became a candidate for reelection he was defeated on this record (by 20 votes), and he came to the conclusion that his constituents cared but little about the removal, and he himself believed that it was impolitic and inexpedient to raise the question at the late session. It is quite likely that Mr. Morton had other reasons also for this change of attitude—and not unlikely some scores to settle—but this one was sufficient, and justified itself.

THE FOURTH LEGISLATURE. The message of Acting Governor Cuming, delivered at the opening of the fourth session of the general assembly, was his last important official communication. Few public men of Nebraska have written so forcibly as Cuming wrote; but the youthful glow and the rhetorical flavor of this message are in decided contrast with the mature, matter-of-fact expression of Governor Richardson's communications. These opening paragraphs of Governor Cuming's message illustrate the rhetorical quality of his writing:

We are assembled to-day under the most favorable auspices. The territory of Nebraska has, thus far, achieved all that her friends could ask. Her early organization and rapid progress have signally illustrated the safety and expansive force of the principles of the federal compact, from which naturally sprang her organic act.

The imprint of her "Great Seal" has been genuine. "Popular Sovereignty" has been vindicated; "Progress" verified. Peace and good order, practical vigor and manly observance of constitutional obligation have characterized the conduct of our people. No dangerous agitation or political heresies have been permitted to take root; but the seeds of industry, education and law, planted at the commencement by enterprising and practical men, have yielded the legitimate fruit of a safe and efficient self-government.

Under such circumstances, and inhabiting a country of such vast extent, natural beauty, and productive wealth—although lamentable dissensions have given to our sister territory a wider notoriety—we may well congratulate each other, upon our verification of the political truth, "Happy is that people whose annals are tranquil."

We have, assuredly, no ordinary cause of gratitude to Him who rules over all things for the opportunities vouchsafed us—the ad-



Wm. McLennan

[NOTE— Wm. McLennan was a member of an early Nebraska legislature]

vantages of geographical position on the great natural line of commerce, a foremost place in the race of territories, and the facilities of modern improvements and great enterprises to promote our advancement in every department of history and art. By continued adherence to wise and moderate councils, by earnest and real public spirit and internal harmony, immigration will be rapidly increased, our new counties speedily populated, the great cities of the seaboard will identify with ours their commercial interests, and capital, once more liberated from financial paralysis, will find its safe and more profitable investment in the fee-simple of our fertile woodlands, prairies, and valleys.

The legislature is advised that the capitol, a "spacious and imposing edifice, now nearly completed under the appropriation by the general government and through the public spirit of the city of Omaha," has cost fifty thousand dollars more than Congress had provided, and the governor recommended an appeal to that body for the amount of the deficit. He advises another memorial to Congress for the proper distribution of troops along the emigrant line in connection with an application for grants of land for building a Pacific railroad along the valley of the Platte; he states that arrangements for the completion of the Atlantic and Pacific telegraph from the Missouri river to the Pacific have been perfected; advises a memorial to Congress for an appropriation to build a military bridge across the Platte river; avers that the code of practice "is universally regarded by the bar as meager and defective" and that "the statutes are limited, confused, and contradictory."

He complains that the school law, though adequate, has been almost unheeded.

Many county superintendents have failed to qualify as prescribed in sections 19 and 20, chapter 18, 2d statutes; and the county clerks have provided no substitutes; nor has the forfeit been collected by the prosecuting attorney as provided in section 23. Others have neglected to report to the superintendent of public instruction on the 1st of November, as ordered in section 32. Thus the law has been rendered virtually a dead letter. In many, if not all the counties, no districts have been formed; no taxes levied; no teachers employed and no steps taken in respect to school laws. The act of Congress of 1857, providing for the selec-

tion of other sections in lieu of the 16th and 22d, when occupied and improved prior to the surveys, has temporarily abridged the land fund, but it is the duty of the county superintendent (chap. 18, sec. 9) to examine, allot in parcels, and value the sections not thus occupied, as well as others after they shall have been selected.

It appears that the law of 1856 providing for a general military organization had not been carried out; for, the message informs us, while "companies exist in nearly every county their organization is very imperfect or suffered to decline." The governor favors the then undemocratic expedient of "a small appropriation" to each county from the territorial revenue "to encourage the development of our agricultural and productive resources."

Governor Cuming's limited and faulty understanding of the principles of banking, as also his clear foresight and positive opinion as to the vexed subject of the territorial banks, were expressed as follows:

It may be urged that specie is again returning to its former channels, and that public trust will soon revive. Yet what amount of coin will repair the injury already wrought, or afford a basis of security against human avarice, stimulated to extravagant speculations and unscrupulous excesses by the facilities afforded by an insecure banking system? The history of "profitable" banking is inevitably the history of alternate depression, overaction, and ruinous expansion. May we not hope that the events of the year will lead to a general reform, and to the restriction of paper to the uses of commercial men? Believing as I do, that the whole system of banking is insecure, even when based on state stocks and securities, where one promise to pay is made the basis of another, both perhaps equally fallacious, and being especially convinced that the institution of banks in this territory was impolitic, and that there are imperfections in the charters, I respectfully urge that some adequate means be taken to remedy the evil and protect our citizens in future. Many persons who have realized from such systems advantage to themselves may have heretofore seen no danger to others. But the experiment has now, at least, been fully tried, and none can be so far deluded by the transient stimulus and temporary vigor imparted to business transactions by traffic in expanded credit as to fail to see the necessity of additional protection of labor and of the

great agricultural and other producing interests, upon which our true prosperity depends. The action of the first few years is apt to fix the character of the future state; and in the important respect of the financial policy to be pursued, no timidity, or indifference, or interested motives should be permitted to prevent or postpone a determined effort to avert, in future, calamities such as those from which the country is just emerging. The banks now in existence in the territory are perhaps as safe as most of such institutions. Prudently managed in their infancy, but few of the community have suffered loss. Yet it is equally true that their profits are to be made hereafter. In the meantime gold and silver, withdrawn from eastern adventures and depositaries, may be expected in sufficient quantities for the ordinary purposes of trade. Although, therefore, paper money is now so identified with the business habits of the community that the prospect of its abolishment, perhaps for a long time to come, seems impracticable and to many absurd, yet, within our own jurisdiction, by proper safeguards and restrictions, we may approximate such a result; and may now provide that the full specie equivalent of all circulated bank paper shall be at all times within the reach of every citizen.

The message shows from the records of the land office at Omaha that during the ten months, from February to November, 462,349 acres of land had been entered by preëmption. The governor felicitates the territory on its isolation from the embroilments growing out of the imminent questions of national politics:

Safe thus far from the interference of reckless agitators and the mad efforts of intolerant fanatics, we can furnish to the world an enviable proof of the legitimate effect of the genius and spirit of our republican institutions. No retribution can be too severe if through casuistry or local strifes or political infidelity, we prove recreant to that beautiful federative system to which we owe our existence, and under which alone we can achieve true and permanent greatness.

The foreboding thus expressed by this bright man was no doubt representative of the sentiment of northern democrats of that time as to the source of the impending danger.

The report of the superintendent of public instruction, Mr. J. H. Kellom, sets out that the public school lands are not yet available for the purpose intended, and that "The title

to them not having passed from the general government, a special act of Congress is thought by some to be necessary in order to make them ours." What follows is prophetic, as well as wholesome admonition:

If the school lands are held intact; not sold too early, nor exchanged for others of less value, the time is not far future when this territory will possess a school fund equal in value to that of New York or Connecticut, and which will give to every son and daughter within her borders a good, practical, common school education. As the school lands are the basis of this prospective fund, every citizen in the territory should be deeply interested in their preservation; and you, in the capacity of legislators, will not hesitate to throw around them that protection which shall preserve them for all time to come.

The territorial treasurer again makes a dismal report showing that "only two counties, Douglas and Otoe, have paid any territorial revenue into the treasury for the year 1857." The Napoleonic scheme of doing things affecting the public at large is pretty sure to be equally as short-lived as it is at first efficient and irresistible.

The capital question had logically run its course, and it was puerile politics to revive it at this time. The present location was as available as any that could be found, a large sum of money for those times had been spent upon the building, Congress would be in no mood, especially in the prevailing financial distress, to provide for a new building, and the territory itself was so desperately poor that it could not or would not meet its trifling incidental expenses. The legislature proceeded in about the usual way, the usual bills had been introduced, and Bradford, inexplicable though it seems, was placed at the head of a committee of the council to report a criminal code, and also continued as chairman of the judiciary committee. Now that Hargus was out of limbo through his effective mediatorship, and the wildcat banking field had been worked to sterility, he doubtless felt free and had the face to promulgate a bill for restoring the criminal law.

At the outset the capital trouble began in the council with the introduction by Bowen of Sarpy county of a resolution providing for

the appointment of a committee of two to investigate the condition of the capital building, its cost, in whom the title rested, and what legislative action was necessary. The resolution passed with only one adverse vote, that of Dr. Miller; and Bowen and Rogers of Douglas were appointed on the committee. On the 17th of December a resolution declaratory of Judge Ferguson's right to a seat as delegate in Congress, and incidentally reflecting severely on Chapman's action in contesting it, and which passed by a vote of 8 to 5, further inflamed factional hatred.

On the 6th of January Mr. Abbe of Otoe county introduced the inevitable bill to relocate the capital. Councilman Furnas made a statement in the *Advertiser* in palliation of this annual South Platte sin.

While Governor Cuming stated as a legal proposition that the city of Omaha had a lien on the capitol for the amount the city had expended in its construction, yet Mr. Rogers, the Omaha member of the committee, and the city council as early as January 4th were ready to eat humble pie by giving the territory full title to the property, making no claim on account of the city's large expenditure. On the 7th of January Governor Cuming sent the following message to each house:

I have to inform your honorable body that I have received from Jesse Lowe, mayor of Omaha, a deed of trust to all that portion of land known and designated on the old plat of Omaha City as "Capitol Square" for the use and purposes of the capitol of the territory, and the state of Nebraska when it may become such.

T. B. CUMING,

Acting Governor of Nebraska.

But the day after this question of title to the capitol had been set at rest by the liberal action of Omaha, a majority of both houses voted to withdraw from the seat of government and go on with the legislative session at Florence, where a relocation bill was passed. This revolutionary break-up was the outcome of years of greed, violence, and sectional folly.

A committee of nine members of the minority rump which remained in Omaha—four from the council and five from the house—took a large amount of ex parte testimony, as laborious as it was inconsequential, on

which they based a report. Their proceedings are printed in the journals of the session in question. The majority members made counter-statements in the newspapers. Though the anti-Omaha faction was guilty of the first overt act of violence, this priority was accidental, for the Omaha minority had undoubtedly determined at the outset to obstruct, by force if necessary, the clear moral and legal right of the majority to pass a removal bill. The unbridled spirit of violence which possessed the minority is shown by a sample of the affidavits of the majority faction, which also shows that old age secured neither respect nor immunity from assault by young and vigorous men:

S. A. Chambers, being duly sworn, testified as follows:

"My name is Samuel A. Chambers; am fifty-nine years of age; was a member of the House of Representatives at the last session; was in the House on the 7th while the House was in committee of the whole on the subject of the election of public printer; I heard Mr. Poppleton and Mr. Steinberger, members from Douglas county, and Mr. Minick, from Nemaha, say that unless the capital bill was withdrawn no further business should be transacted during the session; was out of the hall when the difficulty between the speaker and others commenced; heard that there was a call for members; started to go in; found the crowd at the door so intense that it was with difficulty I made my way within the door, and was utterly unable to get to my seat within the bar; when I got within the door I saw a number of persons having hold of Mr. Speaker Decker, among whom I recognized Mr. Murphy, member of the House from Douglas county, and a Mr. Kimball, resident of Omaha, and who was not a member of the legislature. During the scuffle I saw Mr. Hanscom, a prominent citizen of Omaha and not a member of the legislature, rush toward the parties and seize the Speaker who was then torn from the stand to the floor where I could no longer see because of the crowd.

Was in the House on the morning of the 8th when a motion was made to adjourn to Florence; did not vote on the motion; after the motion carried the majority retired, and the minority immediately reorganized by electing Mr. Poppleton of Douglas, speaker, and also electing other subordinate officers. I still remained in my seat directing some documents to my friends, after completing which I called



Jesse Lowe

[NOTE—Jesse Lowe was a member of an early Nebraska legislature]

the page to take charge of them and take them to the post-office; Mr. Morton of Otoe spoke to me from his seat, saying, "You have not the franking privilege — you have no rights here." I replied I had rights and would assert them. The speaker then ordered the sergeant-at-arms to "clear the House from all refractory members — take him out." Some one other of the minority added "and see that he does not take more than belongs to him." The sergeant-at-arms approached me when I replied, "I can go without being put out"; he took hold of me and walked with me to the door. From the time Mr. Morton spoke to me until I left the hall there was continued cheering and stamping by the minority and lobby. As I went out I looked back and discovered Mr. Poppleton, the newly elected speaker, near my back with his gavel drawn over me. He afterward told me he had followed me to the door, expecting I would prove refractory; but that he was ashamed of his conduct.

The following statement is credited to William B. Beck, "an old and highly respected citizen of Washington county":

Ed. *Pioneer*: Dear Sir: I see in the *Nebraskaian* a charge against you to the effect that you had stated in a certain "extra" that knives were drawn at the time of the fracas in the last legislature.

I take the liberty to state that such was the case to my own personal observation and knowledge; and I considered at that time, as I do now, that further opposition to Omaha men and measures would have been attended with serious consequences, and put in jeopardy the lives of at least a portion of that body.

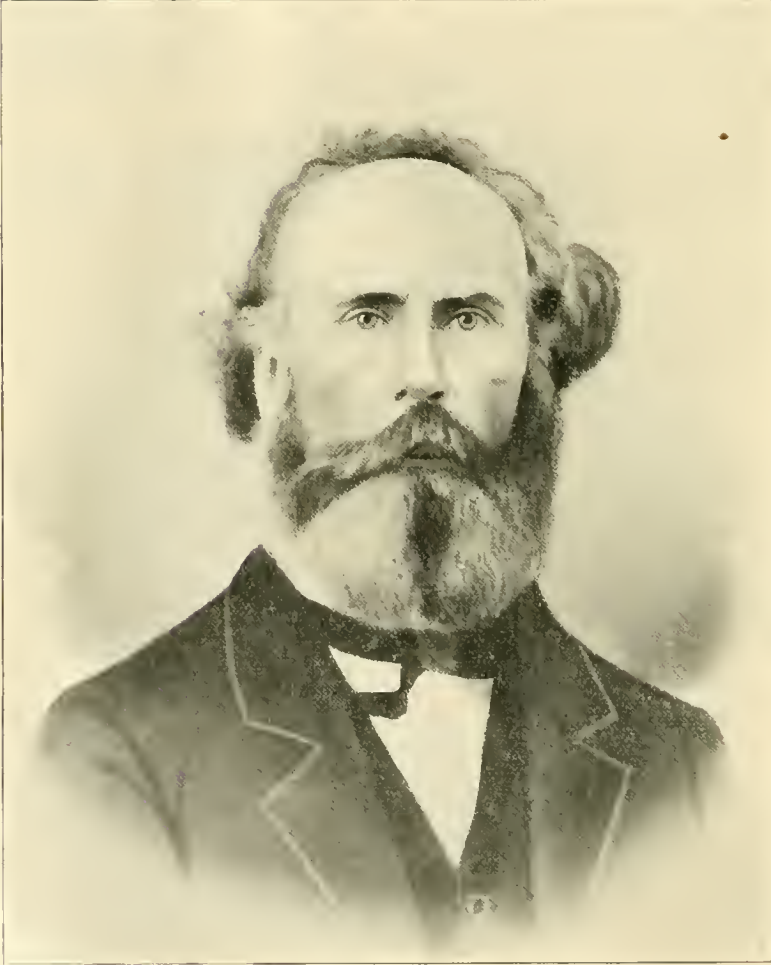
The legislative correspondent of the *Bellevue Gazette*, in the issue of January 21, 1858, stated the case thus:

I cannot but believe that the people will feel proud of this legislature for the course it has taken. When an effort was made by an unscrupulous minority, aided by a mob, to clog the wheels of legislation, and cleave down the declared rights of the people and the majority to make their own laws, they stood up in the defense of those rights and the cause of the people.

An excited mob, and an indignant and self-important accidental executive, together with the free offer of gold, could not swerve them from the path of duty and integrity. They knew that to yield would be to act the traitor to their friends, and they would prove faithful to themselves, faithful to their constitu-

ents, faithful to the country of their adoption, and faithful to the eternal principles of democracy as embodied in the Declaration of our independence, and with these sentiments of right and honor in their hearts, they took their stand. An effort was made to buy some of them but failed. They stood firm to the last hour and minute, in the defense of the people and right; and if their labor is lost, and the territory remains without laws for another year, they are not responsible for the consequences.

Five members of the council — Miller, Rogers, and Salisbury of Douglas; McDonald of Richardson and Puett of Dakota — and thirteen members of the house — Armstrong, Claves, Murphy, Poppleton, Paddock, Steinberger, Stewart, and Thrall of Douglas; Cromwell of Richardson and Pawnee; Jones of Dakota and Cedar; Morton of Otoe; Minnick of Nemaha and Johnson; and Van Horn of Cass county — remained in Omaha, unable to do business, being no quorum, until January 16th, the end of the regular forty days. Presumably all the rest of the members went to Florence; but since the validity of the acts of the Florence session was denied at the time, and was not afterward recognized, no official record of them was preserved. But the Florence seceders, having a quorum, kept busy until the expiration of the forty days, and among the acts they passed were a criminal code, a homestead exemption law, a law setting off the north part of Douglas county — that is, Florence — into a separate election district, and a law for the relocation of the capital. The capital act named S. F. Nuckolls of Otoe, W. D. McCord of Cass, John Finney of Sarpy, and Elisha N. Hamilton of Washington as commissioners to choose the new location, which was to be within a district six miles wide on either the north or the south side of the Platte river, and between the guide meridian — the present west boundary of Cass, Johnson, Otoe, and Pawnee counties — on the east, and the sixth meridian — the present west boundary of Jefferson, Saline Seward, and Butler counties — on the west. The bill provided that the entire townsite should belong to the territory and for the sale of one-third of it the first year, by the com-



John S. Bowen

[NOTE — John S. Bowen was a prominent citizen of Washington county, Nebraska, formerly probate judge. He was a delegate to the national convention which nominated General Grant for president.]

missioners, from the proceeds of which the necessary buildings were to be constructed. There is no explanation as to how the commissioners were to obtain title to the site which belonged to the public domain.

We should be very thankful that the impracticability of the whole scheme saved the territory, with its distinctively and exclusively local and western associations and traditions, from the infliction of the far-fetched foreign name—specified in the act—Neapolis; and we should also feel a half-hearted thankfulness that the political bias of those who finally named the capital of the state drew them half way toward their high privilege and plain duty in this respect. But poetical and political justice would have named the capital Douglas.

FLORENCE SESSION. The house broke up on the 7th of January in a typical frontier row, in which trespass on the prohibitory law cut an important figure. The Omaha minority were talking against time on a minor question, in committee of the whole, and Poppleton had the floor, when Decker, the speaker, who had been out about the town, returned, and finding that there was no quorum, interfered, and insisted on resuming the chair. Morton, the chairman of the committee of the whole, ruled that the point of no quorum could not be raised while a member held the floor. Afterward, Mr. Thrall of Omaha took the chair, and a message from the council was announced. Poppleton made the point that under the rules this message could not be received, as the council was not in session at the time; but Decker insisted that the message should be received then and there, and attempted forcibly to take the chair, when Murphy and Paddock, Omaha members, dragged him away, and then A. J. Hanscom, a very strenuous lobby member, rolled Decker under a table. Finally the speaker left the hall, Morton was elected temporary speaker, and the house adjourned. The next morning Decker took the chair as usual, but on motion of Donegan of Cass county the house adjourned to meet in Florence the next day. In the council on the same morning—January 8th—Reeves of Otoe moved an adjournment to

meet at Florence on the 9th. The president, Dr. Miller, refused to entertain the motion, whereupon Reeves himself stated it, and it was carried by a vote of 8 to 2, Furnas and McDonald voting in the negative. In this miniature secession Mr. Furnas took about the same position as many southern leaders were soon to take, when, after opposing dismemberment, they at last went out with their states. Furnas opposed secession, but went with the majority.

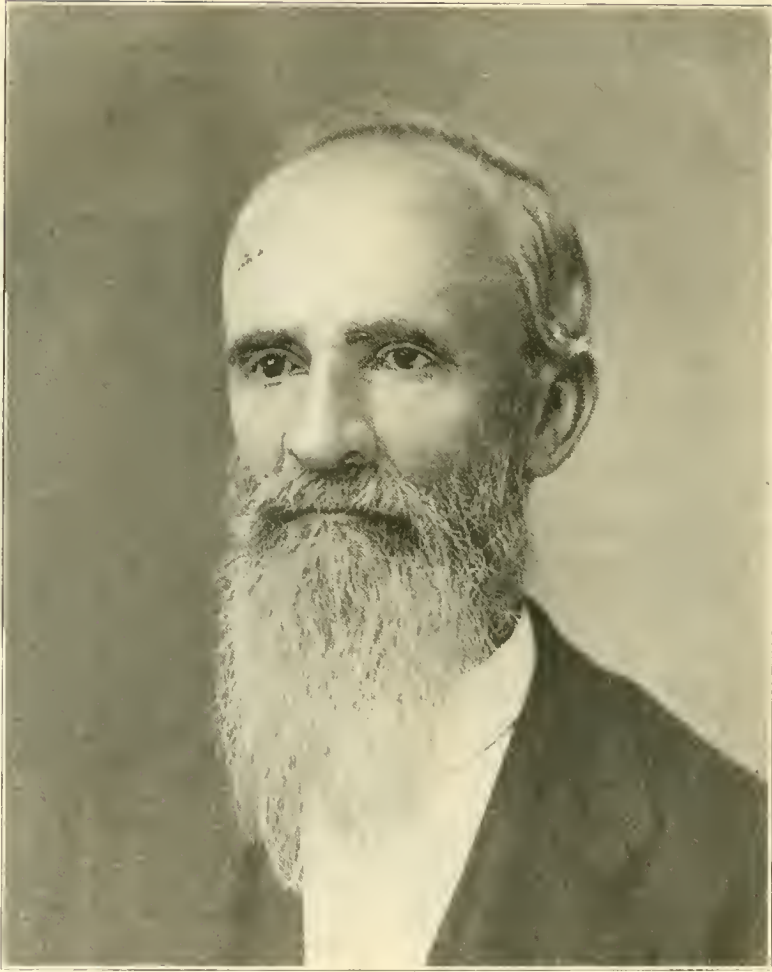
Though the Omaha rump had the executive, or federal, part of the government on its side, and by virtue of this advantage con-



From an unpublished daguerreotype taken in 1855.

ROBERT W. FURNAS

trolled the official records and gained its object in practical results, the majority, or seceders, had the best of it before the people, because, outside of Omaha, the press was on their side—with the exception of the Nebraska City *News*, now edited, nominally at least, by Milton Reynolds. The *News* took both sides. Through the evident influence of Morton it condemned the secession; but it also promptly took advantage of the opportunity to again urge Morton's original scheme for annexation of the South Platte to Kansas. Perhaps a more definite illustration of the general anti-Omaha sentiment is contained in the statement of the *News* that "eleven out of the



REV. JOHN MILLER TAGGART

[NOTE — The Rev. J. M. Taggart was a pioneer missionary and a member of an early legislature]

thirteen papers in the territory (the two remaining being owned by Chapman) have, week after week, since the election, expressed their preference for Ferguson"—in the contest over the congressional election.

On the 15th of January, in response to a request by J. Sterling Morton, Attorney-General Estabrook gave a written opinion as to the validity of acts passed by the Florence legislature, in which he correctly held that the seat of government clearly had not been removed from Omaha, and that therefore the only question was as to the power of the legislature to conduct business at any other place than the seat of government. His contention for the negative was lame, and perhaps, from the nature of the case, necessarily inconclusive. Considering the almost unlimited inherent powers of legislative bodies such as this—not being restrained by a constitution—and the weighty practical reasons for the adjournment to Florence and the urgent need of legislation, the Florence majority had the stronger argument, unless it could be met by contrary adjudication by the courts. This the attorney general attempted to do with a result negatively damaging to his side of the case; for the only authority he cited was that of the obscure territorial court of Oregon, and the decision evidently turned upon a different point from that held to be the issue in the Nebraska case, though he quoted two of the judges as deciding, incidentally at least, that the legislature could pass valid laws only at the regular seat of government.

Governor Richardson having refused to sign the acts of the Florence assembly, a controversy arose as to whether he had returned them to the legislature, with his objections, according to the provisions of the organic act, so as to require their passage again by a two-thirds majority. The following statement of Mr. Reeves, member of the council from Otoe county, apparently settles the question in the negative:

Editor News:

In your paper of the 13th is an article which needs a passing notice, for the purpose of "vindicating the truth of history."

In the article alluded to I find the following language:

"But the governor says he distinctly refused to recognize them (the bills passed at Florence, I presume) and upon the back of each document wrote as follows: 'This paper was left in my room on yesterday, Jan. 13, 1858, after I had refused to receive it. I neither veto nor approve it; but respectfully return it.'"

"Jan. 14, 1858. W. A. RICHARDSON."

Now as I was a member of the enrolling committee of the Council I wish to state the facts in relation to the presentation of those Florence bills to the governor, and let the people judge how they were "received," and who is at fault that we are now suffering the want of just and equitable laws for the protection of life and property and the administration of justice.

The committee on enrolled bills in the Council was composed of Mr. Allen and myself. In the House it was composed of Messrs. Taggart, Hail and Abbe.

On the 13th of January, Mr. Taggart, Mr. Hail, and myself waited on the governor, at his room in the Hamilton House, and presented him all the bills passed previous to that date at Florence, except one which was presented to him by Mr. Abbe on the same day, but at a later hour. I made a memorandum of what transpired at our interview with the governor, from which the following is an extract, and will be certified to as truth by every member of the committee:

"The governor was notified by Mr. Allen, immediately after our introduction to him, that we were the enrolling committees of both branches of the legislature. The bills which originated in the Council were in one bundle, and were presented to him by Mr. Allen; and the bills which originated in the House, were in a separate bundle and were presented by Mr. Taggart. The governor took the bills from out of our hands and observed that he should take no action on them. When reminded by me that the legislature would consider them laws if not returned within three days, and being asked whether in that case he would file them in the secretary's office, he answered that it was a matter which required consideration."

After mature "consideration" the governor concluded that the papers were "left at his room after he had refused to receive them, and that he would respectfully return them." But how did he return them? and to whom? Certainly not to the House in which they originated nor to either House separately; nor to both Houses jointly. They were never returned to the legislature at all, and were never before that body or either branch of it, after their presentation to the governor.



James P. Peck

[NOTE — James P. Peck was a charter member of the Omaha Medical Association]

The "respectful return" was made as follows:

On the night of the 14th of January, about 9 o'clock, while some half dozen members of the legislature and others were sitting around a table in the parlor of the Willett House, some reading, and others writing, Mr. Howard, the governor's private secretary, stepped into the room and threw down a large package, remarking: "Gentlemen, the governor has sent your bills back."

Now with these facts before him, who can believe that the governor "refused to receive them and respectfully returned them"?

As stated before, I wish the facts to go before the people and let them form their own conclusions. Had the governor recognized the acts of the legislature, we would now have in force all the laws, except one mentioned in your paper of the 6th, as being necessary for the prosperity of the country; for such acts were among those presented to the governor. It is believed by many eminent jurists that these acts are laws; but if they are not it is no fault of the legislative branch of the government.

But if it is necessary to cure all doubt that an extra session be called is it necessary that the majority will stultify themselves by making "promises" and "pledges" to the governor in advance? Is it expected that they will surrender the rights of the people for the inestimable privilege of returning to Omaha to be insulted and cheated out of their rights? I can hardly think that the governor would require such promises, but if he should, I for one will never make them. I am ready to pledge myself to the people and obey their behests; but I owe allegiance to no other power.

I am willing to return to the capitol and labor faithfully, earnestly and peaceably for the enactment of all laws which are calculated to promote the prosperity of Nebraska and the happiness of her people; but I must be free and untrammelled, save by the voice of my constituents.

Thus, Mr. Editor, I have answered for myself your question, "Shall we have an extra session?"

The net product of the Omaha rump of the legislature is in itself a very concise illustration of how Cuming's skill in making things go and come his way had overreached itself. Only two very brief general laws were passed — one abolishing the use of private seals, the other providing that hereafter the legislature should meet on the first Monday in January.

Even the list of incorporations and territorial roads acts was relatively meager, and besides this, the sole accomplishment of the session was four inconsequential private acts and two joint memorials to Congress — one praying for the establishment of a daily mail service from Iowa City, Iowa, to Omaha, and the other for the "division of the present surveying district of Kansas and Nebraska and the erection of a new district for this territory."

Our novelists are now the makers or the expounders of our social philosophy; and it is a pity that the philosophy of George Eliot and Thomas Hardy, which teaches us not merely that it is better to attempt and fail than not to attempt at all, but that the virtue lies in the resolute purpose, so that often failure may even be better than accomplishment, was not then available for the consolation of the Omaha rump. The then budding "Sage of Arbor Lodge," perhaps unconsciously, gives point to this philosophy in the following inventory of residuary conditions, which is perhaps no less truthful than picturesque. Though Morton was not then the editor of the *News*, the piquant paragraph bears plainly his image and superscription: "The last legislature adjourned in a row, left, departed this life, miscellaneously and in a mixed manner, and left us no laws. The governor is absent, the secretary deceased. . . . We occasionally see the squatters in little squads, whispering among themselves in a wicked, malicious, and mischievous manner that we are 'just as well off' now as we ever were."

While men of more of that wisdom which comes only of experience than was possessed by those who comprised this fourth legislature would have avoided the foolhardy and, so far as its direct object was concerned, inevitably futile Florence revolution, yet, as may be said of most revolutions, its results were not all evil. For it precipitated unsettled public sentiment, and revealed to the pro-Omaha minority that the determined majority must be reckoned with in some other way than by bribery and coercion. It made both sides sufficiently tired of the disastrous controversy to permit an experienced, tactful, and masterful political leader to restore orderly conditions

and supply necessary laws through a special session of the legislature. Governor Richardson arrived at the capital on the 10th of January, and he not only arrived just at the right time, but he was just the right man to arrive. He brought with him the two things needful, prestige and the impartiality of the outsider, strengthened by the insight of the astute politician. He assumed the office on the 12th of January, and the contrast of his fair and fatherly attitude with that of the youthful ardor of the aggressively sectional Cuming, whom he succeeded, was both sharp and reassuring. Furthermore, Richardson was the next friend of the great Douglas, the natural idol of the northwestern democracy who were beginning to love him the more on account of the ultra pro-slavery enemies he was making, and whom the politicians would propitiate because it was likely that he would be the next president. And so the tone of the press soon became quieter, its insistence upon the validity of the Florence laws was dropped, submission of the capital removal question to a popular vote — a squint at least toward compromise — was advocated, and finally there was general acquiescence in the proposal of a special session.

THE DEATH OF GOVERNOR CUMING. The death of Thomas B. Cuming, secretary and acting governor, occurred between the Florence fiasco in the early part and the special session in the latter part of the year 1859, and the way was opened for the appointment of J. Sterling Morton to succeed him. With Lewis Cass at the head of the department of state at Washington and backed by his already recognized leadership, he had great advantage in his contest for the appointment. In the last days Mr. Cuming must have realized as the irony of fate the probability that his arch enemy would succeed him. It is a mere matter of course that these two brilliant men, of the most aggressive temperament and great political ambition, confined within the small limits of the dominant party of the territory, should have been mutually and bitterly hostile.

If Cuming, by his masterful manipulation of the capital business, had blasted Morton's first hopes and driven him from his first home at

Bellevue, Morton had perhaps repaid him in full by thwarting his hopes to become governor.

The funeral of Governor Cuming at Omaha was a notable and imposing event for that period of sparse population and scanty sources of the trappings of pageantry; and he was especially fortunate in his eulogist. The formal funeral oration was delivered by James M. Woolworth, April 17, 1858. Making due allowance for the young orator's natural North Platte, or Omaha, partiality or bias, he yet gave to the commonwealth, in this fine address, a very valuable sketch of the character and career of its first actual governor. Furthermore, the oration is remarkable for its rhetorical construction, its formal and stately style, showing the great influence of the dominant classical training of those days. This feature of the address has been modified, and its almost extravagant youthful warmth of expression is wanting in the writings and addresses of the seasoned lawyer and scholar of later days, while its clean-cut diction abides as a characteristic of his style.

THE ORATION

Mr. President, Ladies and Gentlemen:—The tolling bell, the meeting of the citizens called to express a city's sorrow, the solemn announcement to the court, the judge on the bench, the juror in the box, the counsel at the bar turning from the business all undone, the soldier marching with slow and measured tread, with muffled drums and colors furled, and arms reversed, the public buildings draped in mourning, the public offices closed, business and labor all suspended, the flags at half mast, the minute guns, the lengthened process, unwhispered sympathies and sorrows, tearful eyes, sad, sad hearts,—what cause, what abundant cause, for all these tokens of public and private bereavement!

Thomas B. Cuming dead! That form that passed and repassed before our eyes, daily, almost hourly, that mingled among us, made one of us on the street, in the office, at the public meeting, at the social gathering, ever present, ever welcome everywhere; so recently erect and proud and ironbound, now prostrate, cold, dead. That countenance, set with the firmness of the ruler of a great country, yet varying with the varying emotions which chase each other through his mind, fixed now in the changeless expression of death. That eye that

beamed ever with ardor and intelligence, and anon flashed lightning from its black depths with the kindlings of brilliant intellect, closed now forever. That voice which thrilled, and swayed, and commanded the public assembly, gasped its last words, silent now. Nerveless the hand that grasped a brother's cause so generously ever — ever as you, sir, or I, and how many others can testify. High ambitions, great promises, sanguine hopes — all shattered into dust. A people cut off from its leader, its stay, its hope. What cause, what abundant cause, for public and private sorrow!

Thomas B. Cuming dead! Meet are all these signs of woe. A great "man has gone to his long home and the mourners go about the streets." Let the court be closed; he was the noblest of all its members. Let the soldier honor his memory; he was the most gallant of all this band. Let the public officers suspend the public business; he was the chief and ruler of them all. Let the banker close his vaults, the merchant his ledger, and let the mechanic and the laborer lay down his tools, and let a great people assemble in this common sorrow to mingle together their tears for one whose like we shall not see again. Let the long procession bear him to the capitol, lay him in the very penetralia of his country's temple; let the priest of his church say over him the solemn office of his burial chant, over the inanimate remains the sacred requiem of the dead. Let the people gather around him once more to look on those well known features for the last time. Yes, let her — alas for her whose heart breaks beneath the burden of its sorrow — let her gaze and gaze, and as those sad, sad words, "Never again, never again," break the awful silence, let every heart melt; then let the tears flow unchecked, unheeded in the common sorrow for the dead and sympathy for the living, and then lay him in the bosom of his own Nebraska, beloved forever; "earth to earth, dust to dust, ashes to ashes."

And meet is it that your association, sir, should consecrate an hour to his memory. He was one of its projectors and founders. He contributed of the abundance of his learning and his eloquence to its success. He was on the list of lecturers for the course just ended. Even in his last days he consulted for its prosperity. And yet, sir, I could have wished you had found another to do this sad office to his memory; to teach you his virtues, to recite to your lasting profit the lessons of his life and of his death. And yet what need of words?

Thomas B. Cuming dead! Perish from among men the great principle of popular sovereignty which he vindicated and established here in stormy times, among enraged

men who thirsted for his blood — which he vindicated and established here, as no one else could, by his own unaided arm, by his own resolute will; perish peace, prosperity, and progress, which by his wisdom and energy he established in the first days of the territory; once and forever perish the achievements of her progress, the home of the settler, the admiration of human heroism, the love of human benefactors; then, and not till then, let us say, Thomas B. Cuming dead!

Governor Cuming was born in Genesee county, in the state of New York, on the 25th day of December, 1828. His father is the Rev. Dr. Cuming, of Grand Rapids, Michigan, an Episcopal clergyman of distinguished learning, eloquence, and piety. His mother died while he was yet a young child. He was then removed to Rochester, and placed in the family of the Rev. Dr. Penny, an uncle, at that time a distinguished Presbyterian divine, afterwards the president of Hamilton college. He was afterwards removed to the home of his father, in Michigan, under whose care he was prepared for college. In his boyhood Governor Cuming enjoyed a training of the highest character. His father instilled into his young mind with all a parent's anxiety and care those habits of laborious study, of thoroughly mastering whatever engaged his attention, which eminently fitted him for the difficult positions to which he was destined. Especial care was had of his religious culture. Those elevated and severe doctrines which distinguished the higher school of the Episcopal church were early instilled into his young mind, and it is believed that through all the distracting scenes of his life, in the midst of the great temptations to easy, often sceptical notions which beset young and ardent minds in our day, he never ceased to revere the salutary teachings of his father and of the church.

He entered the university of Michigan, at Ann Arbor, at a very early age. But young as he was he carried with him a familiar acquaintance with the Latin and Greek languages, a singular aptitude for their acquisition, and a native fondness for letters in general; and to these he added a devotion to study and an ambition to excel very uncommon at so early an age. He accordingly took a high standing as a scholar. In the classical and belleslettres department he had not an equal in the institution. He enjoyed also an uncommon flow of animal spirits. Perfect health was a blessing he enjoyed from his earliest days till his last sickness; and in a boy, health and activity are concomitant. He mingled in all the sports of college life, in all the mischief, too, and made himself notorious by them. The

name of Cuming was known in every hamlet in the state before his first year in college was over. At the age of sixteen he graduated, carrying off the first honors of the institution. His oration is spoken of to this day for the force and eloquence which distinguished it from the platitudes usually spoken by young men on such occasions. Upon his graduation he was appointed geologist to a scientific expedition sent to explore the mineral regions about Lake Superior; a position whose importance is evident from the immense wealth annually derived from the copper of that country.

At the breaking out of the Mexican war he was a young man averse to the drudgery of any of the professions, but full of the high hopes and aspirations of youth. The sound to arms appealed to the military passions of his nature, for his nature was that of a soldier through and through. He entered the army as a lieutenant, and served out the time of his enlistment. He always regretted that the circumstances of his station prevented his mingling in those great conflicts which reflected such glory on American arms.

After the war he found himself loose upon the world, without friends to whom he could go, without means, without advantages, save those he had within himself. Accidentally he found employment as a telegraph operator in Keokuk, Iowa. But it was not enough for him to feed his stomach and clothe his nakedness. The mind of the young man must be at work. He wrote an anonymous article to the *Dispatch*, a paper published at that place. It arrested attention. He wrote another; curiosity as to who was its author was excited; another and another appeared, and curiosity increased more and more. One person and another to whom they were at first attributed disclaiming the authorship, they were at last traced to the young telegraph operator. The ability which they displayed was not to be lost and he was immediately placed in charge of the paper. It was soon the leading paper in the state, a power in the state, and hardly ever was there a country paper exercising such a large influence. During his residence in Keokuk he married Miss Margaret C. Murphy, whose beautiful devotion to him in all the changes and trials of life has been only equaled by the great sorrow which now crushes her. It was while in charge of the *Dispatch*, in 1854, and somewhat in reward for the eminent services which he had rendered to the democracy, that he was appointed secretary of Nebraska. He was at this time only twenty-five years of age. He arrived here on the 8th of October, accompanied by his accomplished

bride. It is well known that very soon after Governor Burt arrived in the territory he sickened and died, and that Cuming thereupon became the acting governor. Young as he was he brought to the duties of the office qualities singularly fitted to their faithful discharge. His mind was filled with the idea of a Roman governor and pro-consul in Rome's best days. A mind stern, haughty, severe, and unyielding in the policy it had marked out; resolved by its own invincible will to bend all men to that will, to bend itself to none, to be a great power in the state, and then by virtue of that policy to plant the institution of sound and stable government and order and law. To teach all men the wisdom and the power of that great central government which granted them an organization, and gradually, safely, and surely to fit them for citizenship in its great confederacy.

What a work was that for a man of twenty-five, but how nobly did Cuming do it! Those factious jealousies and contests, so common and so bitter in new countries, rent the territory into numerous and distracted parties; and when the young governor took one step in the direction of organization he found arrayed against him the combined opposition of all parts of the territory, save this city alone. When he convened the legislative assembly here all the fury of excited passion burst upon him. Any other man would have stood appalled before it; would have retreated before its threats; would have compromised with its turbulence. To do so, however, was to give up the peaceful organization of a territory, consecrated in the midst of national excitement to popular sovereignty; to give up all law and all order, to give up himself, as he was, all he hoped to be. He did not waver. He issued the certificates of election to those who were elected members of the assembly. He pressed the two houses to an immediate organization, and in one week every vexed question was settled, his opponents defeated in their disorganizing purposes, and orderly government in the territory secured as a new proof of the ability and the right of the people to govern themselves. It was a triumph of his commanding will which awed opposition. It was genius mastering transcendent difficulties. Governor Cuming lived to see the blessings of peace, order, law, and prosperity follow his acts.

It is unnecessary for me to recount in your hearing the life of our friend. It was passed in your midst. You were sharers of its joys, of its generousities, of its devotions. It was a part of your own, and the thread of its narrative is entwined with that of yours so that

you can not recall the past but you recall him. It was a life of energy, of activity, of effort for every good word and work which concerned this city which was his home, and this territory over which he presided. Beautiful is old age; beautiful as the rich, mellow autumn of a bright glorious summer. The old man has done his work and he is gathering in the abundant harvest of his good services in the love of the old and the reverence of the young. He has laid off the cares of life and waits placidly for the end; waits placidly for the beginning beyond the end. God forbid we should not call that beautiful! But more beautiful even than that is young manhood, with strong arm and stout heart, in the face of storm, and wind, and rain, sowing the good seed of national order, prosperity, and peace; sowing the good seed of its own fame which a whole people shall embalm in the memory of its best affections. Raise on the spot where he lies what tomb you will, his true sepulcher is in our hearts, his true epitaph is written on the tablets of our memories.

The resignation of Governor Izard returned Governor Cuming to the responsibilities of the chief executive. While in their discharge the late assembly convened. For some time before he had been suffering from prostrating sickness, and he was little fitted to meet the violent contests which attended the session. He nerved himself for the task and prepared the message. But the disease which prostrated him gave to his mind a deep coloring of sadness, of doubt for the future, of fear both for himself and the country. He was unable to prevent its tinge appearing in the message, and as he delivered it to the assembled houses, the deep pathos, the hopelessness of some of its passages, cast over the minds of those who loved him, even amidst the excitements of the occasion, a strange foreshadowing of a coming sorrow. The effort was too much for him, and he returned to his home to preside over the territory from his sick bed. The hopefulness of his nature did not at all forsake him in his painful sickness. He hoped he might be permitted to rebuild a better and a nobler self on the ruins of the old constitution; that to the services of his country he might add others still higher; that he might yet give wider and freer play to those affections of the heart, to those sentiments of Christian duty and religion which an anxious father had early instilled into his mind. But it was not to be; all the love of friends, all the promises of his young manhood and his abundant acquisitions, all his capacities to do good, all his hopes, all his ambitions could not save him. He was cut down and withered. Peacefully he lies in the

embrace of his own Nebraska, and as fond kindred grace the hallowed spot with marble shaft or consecrated iron, with the beauty of the flower, with its rare odor that comes to us as a sweet consolation, a loving people will turn ever and anon from the path of their prosperity to pay their tribute of affection to the great man buried there.

The character of Governor Cuming was marked by a most striking individuality. In these days, when the etiquette and customs of social life conform even the heartiest salutations and coldest reserve, the dress we wear, all the manners of our life, to one standard of phase and fashion, most men lose, especially in daily intercourse, all distinctive characteristics, become like all others, are least themselves. It was not so with Governor Cuming. You always met him. His peculiarities of phase, of manner, arising not from any desire to be singular, but a natural, unconscious, yet most intense individuality, always impressed you. Besides you always felt you met a man; a man of will, who resisted all external influences and followed the line of his own convictions and purposes. The physical formation of the man indicated the firm, well-knit, active nature; every inch of him was alive and tremulous with the energy which poured along the nerves. His grasp was the grasp of the lion: for its physical power first, most of all for the mighty will which directed it. This same organization was indicated by the eye, which no one ever looked into and ever forgot. That deep black iris, that fervid glance and gleam indicated an organization very remarkable and seldom seen in temperate zones. It was a torrid eye, from which flashed out all the tremulous sensibilities, all the passions, and all the fire of natures born and bred near the sun. In the mental physiology of Governor Cuming imagination held a large space; but it was not the subtle imagination which delighted in beautiful, soft-phrase words, empty of large, strong, vigorous vision; nor yet, even in its highest altitude, did it soar aloft in the clear but cold regions of disenchanted spirit. It was wrapped about, or rather it was at one with his sensibilities. It dwelt among and upon those visions which are beautiful because they are lovely, and delightful because they are creations of the heart and its affections, not of the cold, selfish mind. This was one peculiarity of his eloquence. It was luxuriantly imaginative, but it was so full of sentiment, of the warm, gushing natural sentiment of the heart. No matter what the occasion, he led captive the feelings, if not the convictions of his audience. The very copiousness of his language, his appeals to numerous passions,

the magnetic power of his figure gave him a command, sometimes an absolute tyranny over his hearers, very seldom equaled by the greatest orators.

And yet I would not speak of these qualities to the exclusion of the more substantial. They were the leading peculiarities of his mental organism, and yet logic, large abilities at argument, what the Germans call the absolute reason formed a stable and sufficient substratum. He never laid hold of a subject but he mastered it. He took it in, both in its grand outlines and as a whole, and in its minute details. Its scientific nature and relations were clear to him. He could speak of them, and speak of them in the formal propositions of science. But when he came to speak of them to the people, when the full play of his powers moulded them into forms tangible to the popular touch, visible to the popular eye, then he brought them home to the heart by the most singular appeals of passion, of interest, of desire.

I have already spoken of his early studies, of his devotion to them, of his ambitions and successes in them. He was known here, not at all as a man of books but as a man of the world, dealing with its appliances, means, objects, and yet to the last he was the same ardent student as in early days. His acquisitions in one so young, whose life had been in excitement little congenial to literary habits, were astonishing. No man ever crossed the Missouri so thoroughly educated. By that intense individuality of which I have spoken, he made what he read a part of himself. His knowledge was not something outside of him; it entered into his being; out of it the muscles and sinews of his mind drew their vigor. It was always at command. It sounded not like some familiar words, but like himself alone, and graced and enforced every subject which he touched by its abundant illustration.

His manner was reserved, especially of late years. He held almost every one at a distance.

Few penetrated into the great heart within him. But that heart was a great fountain of affection, of sympathy, of generosity. The hard world, long contact with its selfish struggles and hates and jealousies, may have crusted it over with constraint, but within it was warm and true and loving as ever. In his last sickness it came back again to the simplicity and freshness of ingenuous youth. He turned back to old thoughts and feelings and pursuits. The well thumbed volumes of his schoolboy days were once more brought out, and, clustering thick around them the associations of early life, which none but the scholar knows, he read again and again the lines dimmed by the tears that would come. He talked of those high and holy things which most fill a child's wondering mind, which most fill the soul looking into a world where it must be a child again. It was sad to see him then, with such capacities for good, marked for the grave; to hear him wish for life with a strange hope; to hear him speak with deep pathos of those he loved and must leave, of himself and the past, and his resolves and his prayers; but who could help but feel that he had come back again to the freshness of youth, that he might enter into that youth whose freshness is immortal. I am told by those who knew him in his youth that, as he lay awaiting the last mournful testimony which we have paid to him, he looked, more than he ever has since, as he did before the changes and trials of life had placed their marks upon him. Who shall say that that fair, bright, placid face was not the symbol to us of the spirit fairer, brighter, more placid above?

Light be the turf of thy tomb;
 May its verdure like emeralds be;
 There should not be the shadow of gloom
 In aught that reminds me of thee.
 Young flowers and an evergreen tree
 May spring from the spot of thy rest,
 But no cypress or yew let us see,
 For why should we mourn for the blest?

CHAPTER XI

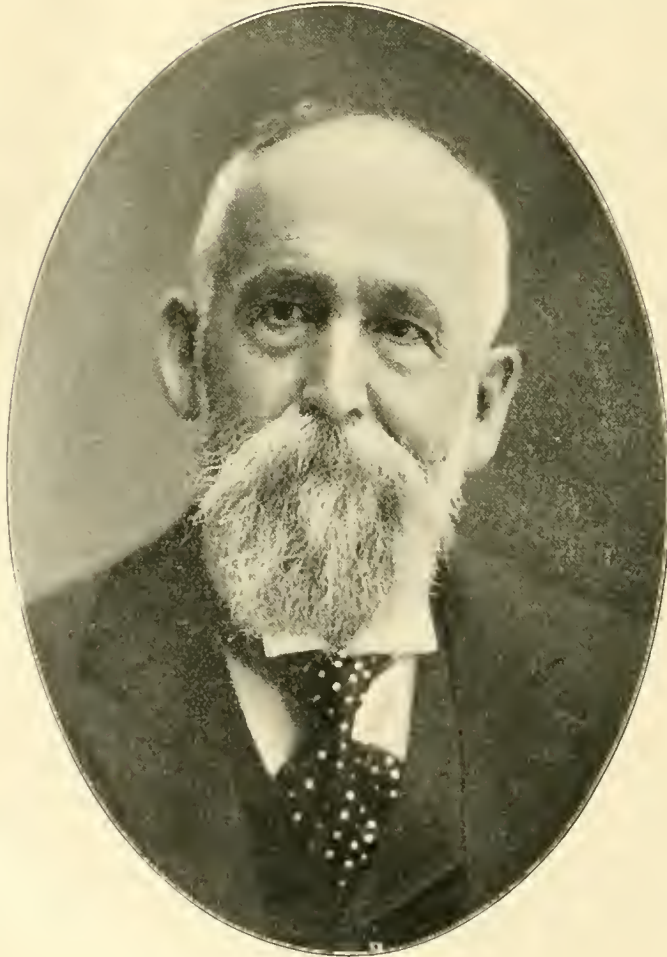
FIRST POLITICAL CONVENTIONS—POSTPONEMENT OF LAND SALES—FIFTH LEGISLATURE—
RESIGNATION OF GOVERNOR RICHARDSON

UNTIL 1858 there was no political party organization in Nebraska, and political contests were all between democratic factions. Agitation in Omaha in favor of organization in the latter part of 1857 was met by Morton with the contention that the time was not yet ripe for that project. Ferguson, a sound democrat, was elected without regard to party lines. Irretrievable ruin, disgrace, and defeat would follow organization under such leaders as Chapman & Co.—“Chapman, Cuning, and Rankin” being particularly designated and each distinguished by an explosive adjective. The *Advertiser* was of a like opinion. The interpretation whereof is that voting in sectional opposition the South Platte was pretty sure to win, while under the organization régime the manipulation of the Omaha politicians might prevail. But a correspondent of the *Advertiser* insisted that organization was necessary “to purge the party of black republicanism, abolitionism, and whiggism”; whose mien, so hideous to democrats of that day, was now visible in the territory. Nevertheless, a mass meeting was held in Omaha on the 8th of January, 1858. A very long platform was adopted, the first resolution declaring that “It is expedient to organize the democratic party in the territory and the same is hereby organized.” The resolutions further insisted that the constitution did not confer authority upon the federal government, directly or indirectly, to assume the debts of the several states contracted for local and internal improvements or other state purposes, and that such assumption would be unjust and inexpedient; that justice and sound policy forbade the federal government to foster one branch of industry to the detriment of any other, or to

cherish the interests of one portion to the injury of another portion of our common country. The convention also declared that the principles established by the national democratic convention at Cincinnati were the only authoritative exposition of democratic doctrine.

The first attempt to hold a convention of the republican party in Nebraska illustrates the fact that the cause of republicanism in 1858 was neither strong nor of first-rate repute. The account of this convention, given in the *Brownville Advertiser*, published and edited by Robert W. Furnas, shows that the party, so soon to become almost permanently dominant in the territory and state, did not then deem it expedient to hang its banner on the outer walls:

It is presumed by close observers of the movement of that party during that day (May 27) that the delegate convention proved to be a failure, at least a public one at which all parties had the privilege of attending. But one regular delegation has been in from other counties so far as outsiders have been able to learn, although more might have been present. The convention, or caucus more properly, was held in secret, refusing to admit democrats to witness the proceedings, and therefore, a limited opportunity was offered to ascertain the exact number of delegates forming the convention. Large posters were placed in public places all over the city notifying delegates to meet at Visscher's hall, and in accordance with said notices, several democrats endeavored to gain admission but were confronted with the news that the meeting of delegates would be held at a small office in the east part of town, to which some democrats repaired for the purpose of witnessing the proceedings, supposing the meeting, like all such, would be public, but in attempting to enter were informed that it was entirely private. An individual opinion



A. H. Gilmore

[NOTE — A. H. Gilmore was a philanthropist and builder of Auburn, Nebraska]

is that the cause of republicanism is imbecile and powerless in this territory, and cannot accomplish many decided victories or build up much strength in party organization except they can be permitted to steal the popular sovereignty plank of the democratic platform, which they appear determined to accomplish, if possible, for the reason that they find the great majority of their party strenuously advocating the doctrine of people's rights. There are a few of the leaders here who are anxious for an organization, whilst the masses of the republicans care but little about it, for the reason that they are mostly popular sovereignty men and can very easily slide over into the democratic ranks and be on the popular and winning side of politics.

While this Omaha correspondent of the *Advertiser* must be credited with a considerable political insight, his foresight was exceedingly limited, for he does not seem to have perceived at all the then plainly rising tide of anti-slavery sentiment, which, within two years, was to sweep over the entire Northwest.

The first Nebraska platform of the party, which for forty years has been the most imperious organization of its kind, perhaps, in the world, was not much more than a half timid protest.

The democratic convention at Plattsmouth, June 3, 1858, was the first delegate political convention held in the territory. O. D. Richardson of Douglas county was its temporary and permanent presiding officer.

The convention resolved to adopt the doctrine of popular sovereignty as enacted in the Kansas and Nebraska act to its fullest extent: "that the incorporation of banks by the legislature, whether under the present insecure system, or by any other, is unwise, impolitic, and anti-democratic"; and in favor of a homestead exemption law. There was only one territorial officer to be elected in 1858 — an auditor to fill a vacancy — and so no nominating convention was held. Democratic tickets were nominated in Douglas and Otoe counties, and in both cases they were opposed by independent tickets. A part of each ticket was successful in Douglas county, but the first distinctly party ticket nominated in Otoe county was defeated by the "peoples ticket," which, however, the *News* averred stripped of its

false tinsel, "is nothing more or less than a black republican ticket. There is nigger in it. The long heels, thick lips, and black hide are plainly discernible. It *smells bad this warm weather.*" While the republicans at this time felt too weak to stand alone in an election contest, they were growing strong enough to make a formidable showing under cover in the two leading counties.

POSTPONEMENT OF LAND SALES. As excitement over the action — or inaction — of the legislature was gradually dying a natural death, growing opposition to proposed public land sales in September took its place. The solicitude of the squatters was increased by a decision of the land commissioner, Thomas A. Hendricks, on August 2d, that failure to make payment before the day of public sale would, under the law, forfeit all rights. The press of the territory, which represented the popular sentiment, led by the *Advertiser* and the *News*, made a stout campaign against the sales. Public meetings, which passed strong protesting resolutions, were held in many of the towns and settlements, and the settlers of the Nemaha land district, at a meeting held in Brownville, August 15th, requested J. D. N. Thompson and Richard Brown, of that district, and J. Sterling Morton and Judge Charles F. Holly, of the South Platte land district, to proceed to Washington with Hon. James Craig (member of Congress from the adjoining district of Missouri) to procure, if possible, the postponement of the approaching sales. The *Advertiser* announced that Judge Charles F. Holly, Colonel H. L. Martin, and Richard Brown started from Brownville for Washington on their mission.

These delegates presented a pathetic and dismal address to the President — dated August 23, 1858, and endorsed by Mr. Craig — which set forth that "owing to excessive rains during the summer, not only was there an entire failure of the wheat and oats crop, but as a consequence an accumulation of sickness heretofore unknown in that region." Therefore scarcely a dollar could be obtained from the proposed sales, and after such sales, the land being subject to private entry, all preëmption rights having expired, the claims, settle-



HENRY A. KOSTERS



MRS. MAGDALENA KOSTERS



Nancy Peckham



Perry M. Peckham

[NOTE—Henry A. Koters was a pioneer of Omaha, and Perry M. Peckham a pioneer of Sarpy county. He was an early and successful orchardist.]

ment, and improvements of bona fide settlers would be "at the mercy of the land jobbers who are now hovering around the land offices and who will speedily monopolize all the desired unsold lands with military land warrants, by entire sections and townships."

It took a full week for the momentous news of the postponement to reach Nebraska; and it is worth while, as an illustration of the status of means of communication at that time, to state that this news came at once to St. Louis by telegraph, then, in four days, evidently "on foot," to St. Joseph, and thence by the same means to Brownville in three days. The excitement over the postponement was great. The *Advertiser* proclaimed it under the heaviest display of headline at its command: "Glorious News" — "Let the Settlers Rejoice" — "Nebraska Saved" — "Hendricks' Decision Spoiled," etc. A great demonstration took place at Brownville.

The whole city was brilliantly illuminated; nearly every window was filled with burning candles; bonfires were kindled in the streets, and on top of the surrounding hills; fire balls flew in every direction, minute guns were fired from early in the evening until about 8 o'clock. Honorary guns were fired for the president of the United States, Hon. Jacob Thompson, Brown, Craig, Holly, Martin; and we hereby acknowledge the compliment paid our humble self, by honoring us with "three guns and three cheers." After which the crowd repaired to the Brownville House where they were entertained for a couple of hours by speeches from Messrs. [Thomas W.] Tipton, [Richard] Brown, [Daniel L.] McGary, [Robert W.] Furnas, [Andrew S.] Holladay, [Richard J.] Whitney, [James W.] Coleman, and [David] Siegel.

At Nebraska City there was rejoicing in the same strain, and in the expression of public feeling is found, also, illustration of the timeliness of the relief:

This will be joyful intelligence to many squatters, and will inure, it is believed, greatly to the benefit and prosperity of the territory. Cartloads of land warrants have been hauled into this city, and we presume have also been at Omaha and Brownville, for the purpose of locating them — securing for non-resident speculators land worth from ten to twelve dollars per acre at from ninety cents to one dollar per acre.

The large amount of land which would have passed into the hands of land sharks will be reserved, for one year at least, for the settler.

Both the newspapers named give credit to the ambassadors from the land district for the result, and the *News* turns a political and also an immigration penny by observing: "Such is the judicious care of the administration for the people now in Nebraska and who may hereafter settle here."

Reanimated by the postponement of the land sales the people see other rays of hope, and the press begins to find and inspire encouragement in the growth of population, shown by comparison of the vote of 1857 and 1858, as follows: Dakota county, 470-440, loss 30; Douglas, 1,536-1,059, loss 477; Nemaha, 448-664, gain 216; Otoe, 876-1,090, gain 214; Richardson, 252-524, gain 272; Sarpy, 513-401, loss 112. The *News* exultantly exclaims that "there was a falling off in Douglas county in 1858 of 477 votes. There was a gain in Otoe county of 214 votes. So much for the old rivals — rivals no more." It appears from the controversy that Nebraska City cast 865 votes, while Omaha cast but 675.

FIFTH LEGISLATURE. Following soon after the elections, which were held on the first Monday of August, Governor Richardson issued the following call for a special session of the legislature to convene September 21, 1858:

Executive Department, Neb. Ter.
August 14th, 1858.

Whereas, great confusion and uncertainty characterize the existing laws of this territory, and whereas they are so conflicting with each other that reasonable fears are entertained that there is not that ample security to life and property that should be guaranteed to every citizen of the territory; and whereas, under this conflict of laws much unnecessary litigation must transpire; and whereas, nothing but speedy, judicious and efficient legislative action can remove these evils, it is thus rendered necessary to convene the legislature in advance of the time fixed by law. Now, therefore, I, William A. Richardson, Governor of the territory of Nebraska, by virtue of the power vested in me by law, issue this my proclamation convening the legislative assembly on Tuesday, the twenty-first day of September next, at the seat of government of the said territory.



A Hall

[NOTE—A. Hall was one of the early chief justices of Nebraska territory]

In testimony whereof I have hereunto set my hand, and caused to be affixed the great seal of the territory.

Done at Omaha this 14th day of August, 1858.

W. A. RICHARDSON,
Governor of Nebraska.

By the Governor,

J. S. MORTON,

Secretary of the Territory.

The newspapers indulged in some half-serious badinage as to the location of the seat of government — whether at Omaha, or at Neapolis, where the Florence act had authorized it to go.

We hear considerable talk among the newly elect as to where the seat of government is, and where the legislation is to be done this winter. Some talk of Neapolis; but where is it? How far from a "local habitation"? What is the route, and what is the prospect of getting pay for services rendered? . . .

But a portion of the commissioners met, if we are not in error, several weeks since at Bellevue and had their bond approved by the chief justice of the territory. A great ado was made at the time by the Florence journals. The approval of the bond by Chief Justice Hall was construed into an affirmative expression of opinion touching the validity of the resolutions passed by the fugitive legislature. The capitol had been removed from Omaha and was to be located at once. Since which memorable time — the approval of the bond — we have heard nothing of the new capitol. Of course we are in blissful ignorance whether it is at Neapolis or at Omaha.

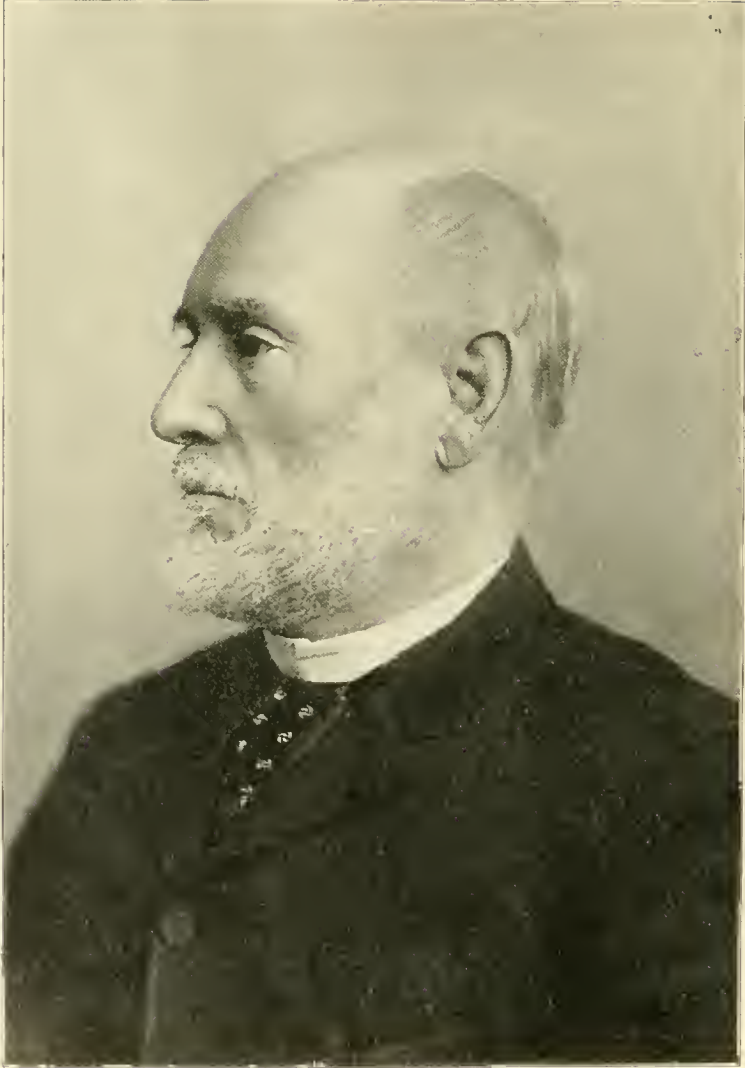
The fact that the Omaha stay-at-homes of the fourth session were awarded their per diem by their federal paymaster while he denied it to the Florence emigrants would have a strong repressing influence on any recurring inclination to legislative tramping. The legislature convened at Omaha according to the call, and the full membership — thirteen councilmen and thirty-five members of the house — appeared and qualified.

There is no available record or any new apportionment of members of this legislature and no record of the votes of counties in detail. In the lists of members in the newspapers and in the journals of the council and house there is no mention of Cuming county, which was in the same district with Burt, or

of Clay, Lancaster, and Gage, which belonged to the Cass district.

The exact partisan division of the two houses can not be ascertained. The metamorphosis from democracy to republicanism going on at this time was in various stages — most of the subjects being merely embryonic, while few were full-fledged. This could not be said of partisan epithets, for they came forth in prolific maturity from the democratic press, and especially from the *News*. This journal complained — October 30th — that the house was one hundred and eighty bills behind the council, and because "the house is heavily black republican, while the council has a heavy democratic majority, in fact, according to the classification of the black republican journal at the capital, there is not an open and avowed republican in the council." The *Advertiser* classes Marquett, De Puy, Daily, Stewart, the two Davises, Taffe, and Collier as republicans, and Mason as a whig. Bowen, Furnas, Reeves, and McDonald, members of the preceding or fourth council, were again elected to the fifth, and Dr. George L. Miller, who was a member of the house in the second assembly and of the council in the third, is returned to the fifth council. William H. Taylor, from Otoe county, is an energetic, aspiring, and noisy politician. Though a Virginian he is making up to the coming republican party — is perhaps more nearly a republican than any other member of the council. He is called "Handbill Taylor" because, though a public lawmaker, he is, as convenience or whim moves him, a law unto himself, and is prone to post bills of warning of disastrous physical results awaiting those who offend him.

McDonald's seat in the council was contested by Elmer S. Dundy. After holding the seat until October 7th, McDonald complains that he has not been allowed time to establish his right, and resigns; and thus opens the way for a man who is to cut an important figure in Nebraska politics. Mr. McDonald, in speaking of this contest, explained that some democrats were inclined to desert him and that they were cajoled into doing this by Mr. Dundy who, before he was seated, pretended



ELMER S. DUNDY

[NOTE — Elmer S. Dundy was a prominent pioneer in law and politics of Falls City, Nebraska]

to be a democrat and made democratic speeches, but soon afterward acted as a thorough republican.

George W. Doane also begins a long and useful public career. Two members of the house, Oliver P. Mason and Turner M. Marquett — the latter reelected — are destined to be prominent figures in the commonwealth for near forty years. Both are ambitious for political place, both will achieve it temporarily, in about equal measure, and then alike they will win their substantial success and reputation in the practice of law. John Taffe, also an incipient republican, will be well known for a time as delegate to Congress and editorial writer, and Daily will dominate for a season as a republican leader. H. P. Bennet, speaker of the house, belonged to the first council, as we have seen, and will also have a long and prominent career in Colorado.

To win distinction in the private walks of life requires ability and character of a high order, and which are rather a hindrance than a help to political preferment; while the successful politician, though inferior in these qualities, is kept in the public eye for a season by virtue of his official place. It is not a pleasing or a promising reflection that the brainiest and best men of Nebraska, who in early life took an active part in politics or aspired to political careers, have retired — or, more frequently, have been retired — to private life to the great injury of public interests. Our successful politicians or statesmen will not be offended at this observation; for each will consider himself that exception which goes to prove a general rule.

We see the incipency of Nebraska republican organization in the legislature in the house of this fifth assembly. Speaker Bennet, himself hesitatingly making ready to desert the whig Baal that was, for republican god that is or is about to be, puts Mason, who is likewise halting between these two opinions, at the head of the judiciary committee. Daily, Davis, De Puy, Stewart, and Taffe, all classed as republicans, and perhaps others who are coming into the new party fold, "too late to classify," are each put at the head of important committees.

Heretofore the executive messages had been either bright, but adolescent and unripe, or grandiose and verbose. In Governor Richardson's communication to the fifth assembly we have the sharp contrast of maturity, brevity, and straightforward simplicity, with a strong paternal effectiveness. As Cuming and Black have produced the most brilliant, so Richardson has produced the best state papers ever submitted to this commonwealth. He first states the case for the criminal code:

The only law under which crime can be punished in this territory, is the common law of England. All other criminal laws have been abolished by the act of a previous legislature. The common law of England is so uncertain and doubtful in reference to every proceeding and offense, and its punishment, that every point will have to be adjudicated before even the courts could tell what the law is.

Thus, while serious doubts have been entertained as to whether some offenses can be punished at all under that law, it has been clear that perjury, forgeries, and all offenses designated as felonies, are punishable with death; a penalty which renders the strict administration of that law repugnant to our ideas of justice and humanity, and inapplicable to the age and country in which we live.

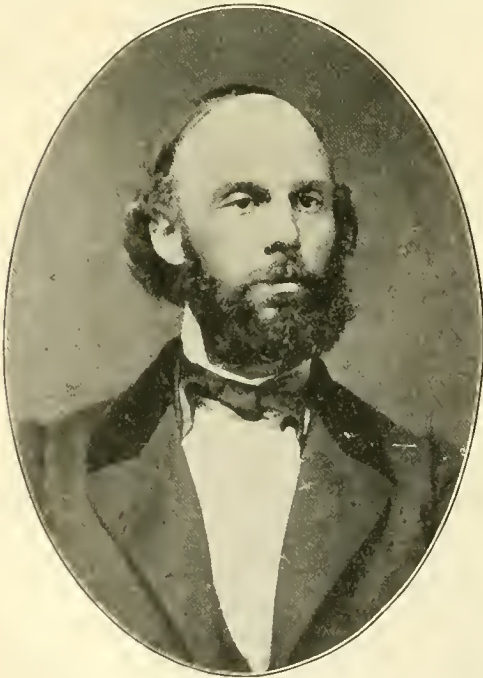
Next to the important necessity of enacting a wholesome and judicious system of criminal laws is that of "clearly defining the jurisdiction and duties of justices of the peace and other officers." It appears by the auditor's report that "the total outstanding liabilities of the territory are \$15,774.95. It will be seen by the treasurer's report that five counties only, viz: Dodge, Douglas, Cass, Otoe, and Nemaha, have paid any revenue into the territorial treasury, and the counties mentioned have not paid the full amount due of them up to this time."

The governor in his message makes this important announcement:

I issued instructions, during the summer, to the district attorneys to file information in the proper courts against each of the banks that had failed to redeem their notes, when presented for payment, with the view to have their charters forfeited. The cases are now pending, as I am informed, and undecided. While I should not have approved any bank charter that has been adopted in the territory, and while believing the principle upon which

they are based wrong, and the effect injurious, I had no intention to interfere with any corporation that had complied with the law.

On the subject of military roads the message gives this information: "Appropriations have heretofore been made by Congress to construct two roads in the territory. One from Platte river to L'Eau-Qui-Court, the other from the Missouri river to Fort Kearney, but have proved inadequate to complete them as designed. A further appropriation is therefore necessary." The message congratulates the people of the territory on its



From a photograph taken in 1859 at the age of thirty-seven years.

ELEAZER WAKELEY

Commissioned associate justice of the supreme court of Nebraska territory, January, 1857.

prosperous condition, and states that "We have enough produce to supply the wants of our own people together with those of the emigrant, and yet more for exportation to those upon whom the harvest sun has smiled less propitiously." Notice is taken of the discovery of gold at Cherry creek and of the desirability of a geological survey the better to disclose "those vast stores of mineral and coal which underly the greater portion of the

territory." It then predicts that "the Pacific railroad, which thus far has only had its existence in the thoughts and plans of men, will soon become a reality, having a permanent being;" and the idea is reiterated that "the true route for the road and the true interests of its constructors will almost certainly lead it up the rich and beautiful valley of the great Platte."

The fifth assembly was somewhat superior to any of its predecessors in its sense of duty and capacity for rational work. The improvement was due in part to the increasing consciousness of a more permanent character in the growth of population and institutions, largely also to the great influence of the governor.

The list of enactments of this legislature is long and important, and comprises a criminal code, a code of procedure, a mechanics' lien law, an improved revenue law, a liquor license law, a general law giving county commissioners power to grant licenses to operators of ferries, a law providing for a territorial board of agriculture, and a new apportionment of members of the legislative assembly. The civil code was copied from that of Ohio, the criminal code from that of New York, "as westernized and adopted by Illinois," and the new school law was the Ohio law, as near as could well be. The liquor license law, which superseded the prohibitory law of the first session, was introduced in the house by Daily on the last day of the session and immediately rushed through the three readings and passage by a vote of 15 to 6. It was evidently a republican measure in this house, receiving the general support of the members of that party, including the leaders, Daily, Marquett, and Mason. It is a curious fact that four of the six opposition votes came from Omaha members. This apparent show of severe Puritan virtue in Omaha seems odd to a familiar, long-time acquaintance of our metropolitan town, and it should be presumed that these apparently prohibitory members preferred the unlicensed freedom of impotent prohibition above the restraints of a license law. The measure passed the council by a vote of 6 to 3, Dundy of Richardson, Porter of Douglas, and

Scott of Washington county casting the negative votes. Under the law, licenses were issued by the county clerk for not more than one year on payment, for the use of the school fund, of a sum not less than \$25, nor more than \$500; and reasonable restrictions were imposed upon the licensee.

The act establishing a territorial board of agriculture named as members of the board Thomas Gibson, Harrison Johnson, Alfred D. Jones, Experience Estabrook, John M. Thayer, Christian Bobst, Robert W. Furnas, Jesse Cole, Samuel A. Chambers, Dr. Jerome Hoover, Mills S. Reeves, Braud Cole, Justus C. Lincoln, Harlan Baird, Joel T. Griffin, and Edward H. Chaplin. It was the duty of the board to hold an annual meeting, "for the purpose of deliberating and consulting as to the wants, prospects, and conditions of the agricultural interests throughout the territory," and to receive reports from the subordinate county societies. On the 30th of October, 1858, the territorial board of agriculture held its first meeting at the Herndon House, Omaha, when officers were elected as follows: President, Robert W. Furnas; secretary, Alfred D. Jones; treasurer, John M. Thayer; board of managers, Edward H. Chaplin of Douglas, Mills S. Reeves of Otoe, Harlan Baird of Dakota, Braud Cole of Cass, Christian Bobst of Pawnee county. The board decided to hold the first territorial fair on the 21st, 22d, and 23d of September, 1859, and the secretary was directed to "engage the services of an orator to deliver the address at the first territorial fair." The all-pervading youthfulness of the commonwealth is illustrated by the fact that the orator selected — J. Sterling Morton — was twenty-six years old.

The office of attorney-general was abolished and his powers and duties transferred to the several district attorneys. This general office was superfluous, since, under the organic act, there was an attorney-general whose salary was paid from the federal treasury. The apportionment act increased the members of the house from thirty-five to thirty-nine, the maximum limit of the organic law. Six additional counties were included in this apportionment: Butler, Dixon, Calhoun, Greene, Hall, and

Monroe, but of these only Butler, Dixon, and Hall were ever permanently organized, though Calhoun and Monroe undertook to vote once — in 1859. The organization of only two new counties, Hall and Merrick, was authorized at this session. The usual large numbers of bills for territorial roads and incorporations were passed. The salary of the auditor was raised to \$800 and that of the treasurer to \$400. The memorial to Congress for a geological survey recites that "it is well known that extensive coal fields underlie large portions of our fertile prairies," and that "gold exists at the base of the Rocky mountains to an equal extent to the placers and mines of California." Another memorial prays Congress to place the school lands, sections 16 and 36, under control of the legislature, but for leasing, not for selling. Still another memorial gives us the information that "a military or public road, beginning at L'Eau-qui-Court, and extending southward across the territory, has been located and opened under the direction of the national government, and has become a great thoroughfare whereon military supplies may be expeditiously transported northward. It also affords an avenue of trade of great advantage to the inhabitants of this territory and others and is now one of the prominent mail routes of the territory." But the memorial prays for the construction of a bridge across the Platte "at the point where said road reaches the same," for the reason that "this river constitutes an almost impassable barrier between the two great sections of our territory, and on account of the great difficulty and very often imminent danger in crossing the same by means of a ferry, travel and the mails are much impeded, and at times are altogether stopped."

A serious question arose early in this special session as to how it might be utilized to draw the federal expense stipend as if it were regular, but the comptroller of the treasury cleared up that question in a communication to Secretary Morton as follows:

If the convened session, which met on the 4th instant, shall adjourn at the end of forty days from the commencement of the called or extraordinary session, thus constituting the

two one continued session of that number of days, the entire per diem and mileage may be paid to the members and per diem to the officers; but if the session which convened on the 4th instant shall, of itself, continue forty days in addition to the thirteen occupied by that which was called by the governor, then you will pay the per diem and mileage of the regular or convened session only, and take no notice of the extraordinary session, leaving their compensation for the determination of Congress.

Mr. Mason of the judiciary committee, to which a bill to make the special session regular by changing the law of the previous session fixing the time for the convening of the regular session, was referred, reported in its favor, while the majority of the committee, headed by Marquett, reported against the scheme, fearing that necessary legislation could not be passed in the regular forty days. A compromise was agreed to by which the bill was amended so that the regular session should begin on October 4th, the organization of the special session to continue through the remaining or regular part of the session, and Congress was memorialized to make an appropriation to cover the expense of the special portion of the sitting.

A bill providing that in all suits in law and chancery there should be no trial until the second term raised a heated controversy, Rankin and Kline of the select committee, to whom the bill was referred, insisting that the financial embarrassment of the people demanded such protection, while Mason and Collier contended that it was vicious and unconstitutional. In the council it was vigorously opposed by Doane, but it nevertheless became a law. In similar circumstances we have since seen the courts arbitrarily go much further than the provision of this act would allow, in delaying suits against creditors. A council bill and also a house bill which provided for the exemption of homesteads from execution aroused a remarkable discussion. The report of Mr. Mason of the judiciary committee of the council in favor of the bill is a sample of his well-known grandiose style. Judge Mason's singular misconception at that time of an economic system which is the basis of the world's busi-

ness is shown in the last paragraph of the report:

Another great benefit, universal in its application, which would result from the passage of a liberal homestead law, would be the blow that would be given to the credit system, that most dangerous of all systems, which destroys alike all who trust to the plaudits of its admirers.

It seems safe to venture the opinion that in point of rhetorical inflation and floridity the report of Rankin of the house excels all other state papers recorded or otherwise. Our present day legislators might often equal it but seldom dare to on account of the ridicule of an ubiquitous and relentless press. A part of Rankin's remarkable plea follows:

A homestead, in the true sense of the term, whether it be the humble cabin or the princely palace, is the center of the family circle, and the family affections with all the household goods and all sacred memories clustering around it. The very term suggests a something which should be secured beyond the reach of misfortune, and its holy precincts should never be invaded by the ruthless tread of the officers of the law. Sheriff, spare that home!

If you tear it from the possession of the owner, and drive him with his wife and children to seek new scenes, you harden a sensitive heart, and strike a fatal blow at that love and pride of state which should swell the heart of every citizen.

A home, with all of its endearments for every family, is the country's best guarantee of good citizenship and patriotic population. Without it we are Arabs on the plain of life, deprived of those attachments and affections which are awakened and kept warm by the thoughts of "Home, sweet Home."

The shade tree planted by the father in early manhood, and protecting his children from the suns of summer; the murmuring brook which mirrored the smiles of infancy; the woodbine planted and trained by the mother who is no more! Who shall give value to these, and who would not guard them from the sacrilegious touch of all invaders?

The controversy in the council was over the question as to the number of acres which should comprise the protected homestead. Dr. Miller favored forty acres, Doane eighty, and Porter one hundred and sixty. There were four votes out of nine for the largest amount.

and then Doane's motion for the exemption of eighty acres was carried by a vote of 7 to 3, and the bill itself was passed by a vote of 6 to 3, the nays being Donelan, Moore, and Miller. In the house there was a struggle by the minority to incorporate a limitation in value of the exemption, and Clayer and Gwyer, a special committee, in their report said:

Your committee are satisfied that the passage of a homestead law, without limitation of value, would result to the prejudice of a large majority of the people of the territory. It would enable the debtor to live in luxury, and enjoy a life of abundance and ease, while his many creditors, the victims of fraud, would be debarred all remedy. It would prove the refuge of fraud and injustice after a successful conspiracy to obtain the fruits of honest labor. Upon this subject the diversity of opinion between the majority and minority proved so great, that a compromise was impossible.

Thirteen motions were made to fix the value of the exemption at as many different amounts from one dollar to ten thousand dollars. Mason wanted \$150 and Daily \$1,000. Votes were taken on nine of these motions and all were defeated, and then Rankin's motion to fix the exemption limitation as to value at "160 acres of land with the improvements thereon" was also defeated. The house then amended the council bill by inserting after "family homestead" the words, "every free white householder of this territory, male or female, being an owner or occupant of the premises," and passed it by a vote of 18 to 13. The council refused to concur in the amendment. The *Advertiser* explained the objection as follows: "An amendment was tacked on in favor of single white persons which the council refused to concur in." A majority of a conference committee recommended passage of the bill without the amendment, but Gwyer's minority report expressed the sentiment of the majority of the house: "The undersigned is firmly impressed with the opinion that a homestead bill having as its principal feature a limitation value is best adapted to the wants of the people of the territory and will best subserve the interest of the creditor as well as the debtor." The house refused to recede, and the bill died from inaction. The

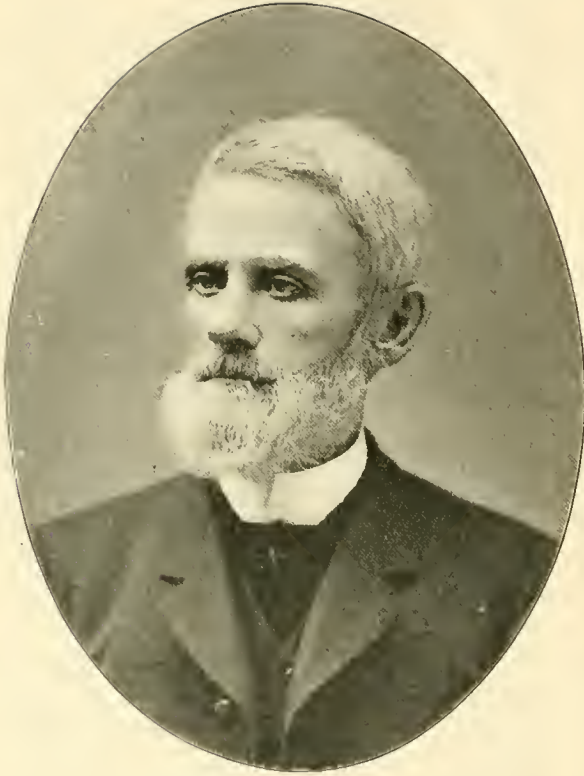
Advertiser of November 4th says: "Messrs. Clayer, Daily, Marquett, Collier, Gwyer, Stewart, Fleming, Steele, Steinberger, Kline, Rankin, and Mason, were the principal talkers, the first five being supporters of the money valuation clause, and the latter seven for the council bill which includes only a land limit." The *Nebraska News* of October 30th, under the mistaken notion that the bill had passed, furiously lashes the legislature for its folly. One who came to know Morton forty years later would easily discern his predilections and methods in these strictures:

We understand our wise Solons and great men of integrity have passed an act which they term a homestead bill, but which is in reality meant as a plantation-saving act, and which with other acts passed by the present legislature will put a most effectual estoppel upon all legal proceedings for the collection of debts.

If our incomprehensibly wise and unfathomably deep legislators really wanted to abolish the credit system instead of coaxing a man to run into debt, and then cheat his creditors out of their pay, why didn't they come out manfully and abolish all laws for the collection of debts instead of sneaking about with this false appearance of legislative knowledge, judicial sagacity, and smart lawyer tricks with "stays" and "exemptions" and plantation-saving acts under the name of homestead bills? . . . If our legislators expected to afford a purgative to the woefully costive and inexpressibly tight times—if they desire to legislate men out of debt, they must of course be aware that they could do no such thing, however much credit they expected to gain for themselves in their quack attempts in this direction.

The advantages to be derived from such laws are, as we view them, small indeed, while the disadvantages and positive injury are sensibly felt and vividly witnessed upon the growth and prosperity of a country which enacts them. We cannot see the sense or advantage in destroying our credit abroad, blasting our reputation, driving men of capital out of the territory and presenting an insuperable bar to the ingress of such; we do not see sense in the practice of legislative tricks—political ledgerdemain—inevitably leading to such results.

Though homestead and other property exemption laws have been validated since by the wisdom of most of the states, yet to the last



Theron Nye



Caroline M. Nye

[NOTE — Theron Nye was a prominent lumber and grain man and banker of Fremont, Nebraska]

Morton never changed his opinion thus expressed. This considerable attention to the first tumultuous discussion of homestead exemption in Nebraska seems warranted as an interesting illustration, when contrasted with the present general acquiescence in such laws, of the rapid adaptation of means to ends and of measures to environment which is common in western societies.

Disgust with the Florence fiasco, the firm and effective influence and attitude of Governor Richardson, the suspension of Morton's anti-Omaha hostility at the fourth session, and the growing general feeling that the removal of the capital at this time was impracticable, enabled Councilman Furnas to report early in the session that "the capital question is not spoken of by anyone." So great was the change, or the suspension of sentiment, that a representative — perhaps apostate — from implacable and irreconcilable Sarpy dared to introduce a joint resolution and memorial to Congress praying for an appropriation of \$30,000 for completing the capitol, and it passed the house without division. The resolution reached the council on the next to the last day of the session, where, notwithstanding that the day before a like resolution introduced in the council had been laid on the table on motion of Taylor of Otoe, it was at once adopted by a vote of 6 to 3, Donelan of Cass, Furnas of Nemaha, and Taylor of Otoe voting no. But the old spirit revived on the same day, and Dundy moved reconsideration, which was carried, and then, adding his vote to the hostile three, the resolution escaped defeat by the narrow margin of five to four. One North Platte member was absent, while of the South Platte members three were missing — including the implacable Bowen of Sarpy. A full vote would have gone against further expenditure on the capitol at Omaha, and this vote in the council still pointed the way to final removal.

The memorial recited that a former governor had expended the first appropriation of \$50,000 on a large and elegant building, leaving it but partially finished; that to make it available for use the city of Omaha had spent about \$50,000 additional in enclosing the

building and finishing some of the rooms; that the building was liable to sustain injury unless soon finished, and that in the opinion of the memorialists, \$30,000 would complete it.

The legislature was not graciously inclined, apparently, toward the work of the original code commissioners, O. D. Richardson, J. L. Sharp, and J. D. N. Thompson. A bill providing a specific compensation for their service passed the council but was pigeonholed in the judiciary committee by Mason, who afterward substituted for it a joint resolution, which passed both houses, referring the whole question of the allowance to the judges of the supreme court with power of final action.

This legislature was as nearly immune from the wildcat bank, as from the capital-moving malady. One bill was introduced — for the incorporation of the State Bank of Nebraska — which, on account of the exposure of attempts at bribery by its promoters, was killed in the house where it originated. It was sought to make this new project of adventurers plausible by providing that real estate should be the basis of its security. On the other hand, drastic action against the going banks was attempted by a bill to annul the charters of five of them, which passed the house — 21 to 5 — but was indefinitely postponed by the council. A bill to repeal the charters of all the banks was introduced in the council, but did not escape from the judiciary committee.

Two days before the close of the session twenty-eight members met in joint session and elected R. W. Furnas public printer, and this occurrence was the occasion for the first positive outbreak of partisan politics in the territory. Rankin, whom Furnas had supported in the last congressional campaign, and Daily, whom, though a republican, Furnas, still a democrat, was to support against Morton in the next congressional campaign, pushed Furnas forward for printer. The organic act clearly enough gave the control of the territorial printing to the secretary, and at the opening of the session that officer laid before the legislature the correspondence of the

comptroller of the treasury on the subject. To these Morton added a characteristically explicit statement of his own intentions:

The above laws and instructions are all, I believe, which it is necessary to lay before your honorable body. They embrace all expenses to be incurred by the legislative assembly, including the public printing, both contingent and regular. And in this connection I may add that any necessary contingent printing your honorable body may desire to have executed will be promptly and cheerfully attended to, by notice being given at my office.

Respectfully, your ob't servant,

J. STERLING MORTON,
Sec'y. Nebraska Territory.

On the 3d of March, 1859, Mr. Furnas answers alleged complaints of delay of the printing in this way:

We have only to say in answer that we have not as yet received the copies of laws from which to print; and, to be frank, we do not expect we will. Had former usages, to say the least, been conformed to, justice to the public printer observed, and the interests of the people of Nebraska in the slightest degree consulted, the laws passed at the late session of the general assembly would before this have been printed and delivered, not only to the secretary of the territory, but to the several counties.

We are told the Honorable Secretary is having the work done in Albany, New York. How true this may be, or if true, how soon we may expect copies, we are unable to say. This much we do know, however, and that is, the territory is in a deplorable condition on account of the delay. Justices, lawyers and litigants are unable to move a peg, or if they do, grope their way in darkness and uncertainty. Complaints are universal.

On the 7th of April, 1859, the *Advertiser* gives this notice: "Morton and Company, it is said, have received from Albany, New York, the printed laws passed at the last session of the Nebraska legislature."

Furnas admitted the legality of Morton's control of the printing under the organic act, but opposed its exercise "because of precedent to the contrary." But the animus of the dispute and the beginning of the disorganization of the party which heretofore had held undisputed sway in Nebraska was plain.

Aside from the manifest injustice of again choosing a man who has so recently enjoyed

the emoluments of the office, aside from the fact that the legislature has no more business to select a printer for the territory than they have to say who shall haul our wood or dig our potatoes, notwithstanding that they have undertaken to meddle with matters that are none of their concern, notwithstanding that they have made insulting demands and encroachments upon another department of the government, we purpose to investigate their action to some extent and let it be generally known upon whom their choice has fallen.

And first it must be remembered that in joint convention the opposition have a majority in our legislature. That opposition for the most part is made up of the worst possible enemies of the democracy, and the democratic organization — bolters, disaffected sore-heads, sleepy Janus-faced democrats, consistent in nothing but their persistent and diabolical opposition to the organization and success of the democratic party, at heart the blackest of black republicans but outwardly "people's men" and "people's candidates," these are the kind of men who have elected a pseudo-democrat, one of their number, and one of their leaders, territorial printer.

The files of the *Brownville Advertiser*, the paper of which Mr. Furnas is editor and publisher, for the last eight months abundantly show the deep and bitter hatred of Furnas to the administration and the party.

The disorganizing conditions at work are set forth by a letter from the attorney at Washington whom the public printer had employed to take care of his interests there:

I find, however, what the real difficulty is which stands in your way, and which will prevent any remedy for the injury you may have received by the conduct of the secretary. It is that you are an anti-Lecompton democrat, and the power and the patronage, as in Illinois, is given to the few, who profess to be Lecompton democrats, and in all things worship at the shrine of Mr. Buchanan. There lies the real difficulty in your case, and hence I conclude that you are without a remedy. It is represented that there are but two Buchanan newspapers now printed in Nebraska, the Omaha *Nebraskian* being one; and much pains has, I am confident, been taken to prejudice your case with the department, by the class of persons I have described, who are used as the instruments of persecution against all who do not admit that Mr. Buchanan "can do no wrong."

I have not known such vindictive tyranny ever before practiced by any party in this

country, as has been, and still is practiced towards the anti-Lecompton democracy of the west. It seems to be inexorable. So that, as matters now stand, nothing, in my opinion, can be done here for your benefit.

But the beginning of the end of democratic supremacy in the territory lay in a bill, the first introduced in the legislature, to abolish slavery. At this time it was a measure of republican politicians rather than of republicans; and when it was pushed forward on the last day of the session by Daily, who was little, if anything, more than an adroit politician, a motion for its indefinite postponement was lost only by a vote of 13 to 15. But the fear of going on record against the measure, which was to grow in the near future, was shown in the direct vote on its passage which was 23 to 6. Of the republican—or incipient republican—leaders, Mason alone voted for postponement, but all of them, including Briggs, Daily, Marquett, Mason, and Taffe, and several democrats also, voted with the majority for final passage of the bill. It was promptly postponed in the council, Dundy alone sustaining it.

Though this legislature was doubtless superior in practical working capacity to its predecessors, yet it still clung to the idol of special and local legislation, and a large amount of its too brief time was spent in the distinctively local work of changing the location of county seats. Councilman Furuas, to whom credit should be given for taking higher than the average ground on questions of policy and principle, complains of the abuse in question:

I hold the people would not require the passage of this overwhelming majority of local bills, if their members would take a correct view of the matter, and be governed by a principle that could be consistently explained before their respective constituencies. There are general ferry, road, incorporation and county seat laws, under which the people of every county can obtain their rights at home without troubling the legislature or its individual members. And yet we see the *Republican* takes the position that the "republicans and opposition members have at all times been in favor of such legislation as the people of Nebraska require at their hands." Now this is just in keeping with what I have considered their policy and principle.

In the general assembly, the opposition to special legislation is sneered at and ridiculed, and the republicans do, nearly as a body, whenever a test comes, cast their votes in favor of special legislation, and are backed up and sustained by the leading republican papers of the territory, in plain and unequivocal language that need not be misunderstood.

Governor Richardson took it upon himself to rebuke this practice of special legislation when he returned to the council a divorce bill, stating that while he had signed this bill in deference to the legislature, yet he held very serious doubts as to its power to grant divorces at all. The continuing bad financial condition of the territory is shown in the communication of Auditor Jordan to the legislature, asking for an increase of the salary of his office to \$1,500 and that of the treasurer to \$1,000, in which he says that their salaries are now paid in warrants worth only thirty to forty cents on the dollar. But later—December 9, 1858—the *Advertiser* is able to take a more cheerful view of this heretofore chronically gloomy subject:

Since the passage of the revenue law, which allows all territorial taxes to be discharged with territorial warrants, and county taxes with county warrants, and city taxes with city warrants and city scrip, there has been a rapid rise and a ready sale, especially in warrants given by the territory, and a reasonable percentage on the others. Territorial warrants are selling here (Omaha) now at forty-five cents on the dollar, and appear difficult to obtain even at those figures. Capitalists are making purchases of all that can conveniently be found in the market, and consider the investments as safe and calculated to yield them a handsome profit and timely return of the principal and interest. County warrants are also looking up.

RESIGNATION OF GOVERNOR RICHARDSON.
The most important political event in the territory in the year 1858 was the resignation of Governor Richardson. On the 16th of August of that year he announced his intention of resigning in the following letter:

Executive Dept., N. T.,
Aug. 16, 1858.

HON. LEWIS CASS, SECRET.

Dept. of State:

Sir—I have the honor to inform you that on the first of January next I shall resign the office of governor of Nebraska.

I deem it my duty thus to advise you of my resignation in advance so that the president may have time to select a successor. I have the honor to enclose a copy of my proclamation convening the legislature in advance of the time fixed by law. The decision of the courts renders early legislation important & I have deemed it my duty to defer the resignation to that time believing that I could accomplish more than one not familiar with the



DOWNER T. BRAMBLE

Early legislator and merchant of Nebraska

difficulties that exist and the laws necessary to obviate those difficulties.

I acknowledge with gratitude the obligation I am under to you and the president for the confidence you have reposed in me and the courtesy that has characterized your intercourse with me while holding this office.

(Signed) W. A. RICHARDSON.

But the governor hastened his contemplated resignation and left the territory for good on the 5th of December, 1858.

The telegraphic dispatches to the Quincy (Illinois) *Daily Herald* of June 5, 1857, announced the appointment of Mr. Richardson as governor of Nebraska, and commenting on the event said: "We presume there is some mistake about it as we have no idea that Colonel Richardson would accept the appointment." On the 7th of July the *Herald* notes

that Richardson has declined the appointment. On the 10th of December, 1857, the same paper notes that the governorship of Nebraska has been again tendered to Mr. Richardson and that he will notify the president of his acceptance the next day. The *Herald* comments: "The fact that it has been tendered again, and this time accepted, we regard as an indication that there is but little if any difference of opinion among the democracy of the country upon the present aspect of the Kansas question."

At a meeting of the bar of Quincy, December 28, 1875, on the occasion of memorial services for Colonel Richardson, General Singleton spoke as follows:

He was benevolent, kind and amiable; brave as he was generous; confiding as he was honorable. His frankness was one of the prominent features of his character, and one of his most valuable traits. I remember the time he was appointed governor of Nebraska, he was requested by Judge Douglas to call on President Buchanan. The position had been tendered him twice, and both times declined. I accompanied him to the presidential mansion when he was asked to accept the appointment. He stated to the president that he did not accord with him upon certain questions, and for that reason could not accept. Mr. Buchanan stated that he had confidence in Col. Richardson, and begged him to accept, although they did not agree upon all questions.

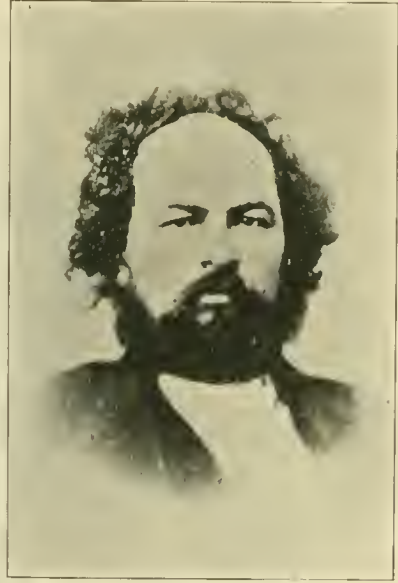
General Singleton's statement that President Buchanan urged Richardson to take the office, notwithstanding his well-known disagreement with him as to the Kansas question, is confirmed by other accounts of the appointment; and it appears that Senator Douglas moved Richardson's confirmation under suspension of the rules of the Senate. The *Quincy Herald* of January 26, 1858, in noticing the arrival of the governor in the territory, makes the following observation:

In the gubernatorial reign of the departed "excellency," Gov. Izard, it was sometimes found convenient to bamboozle the old gentleman, and the innocent executive was frequently led into the commission of acts which his better judgment did not approve. There is no hope in this direction with Richardson.

O. H. Downing was appointed to succeed Douglas as United States senator after the

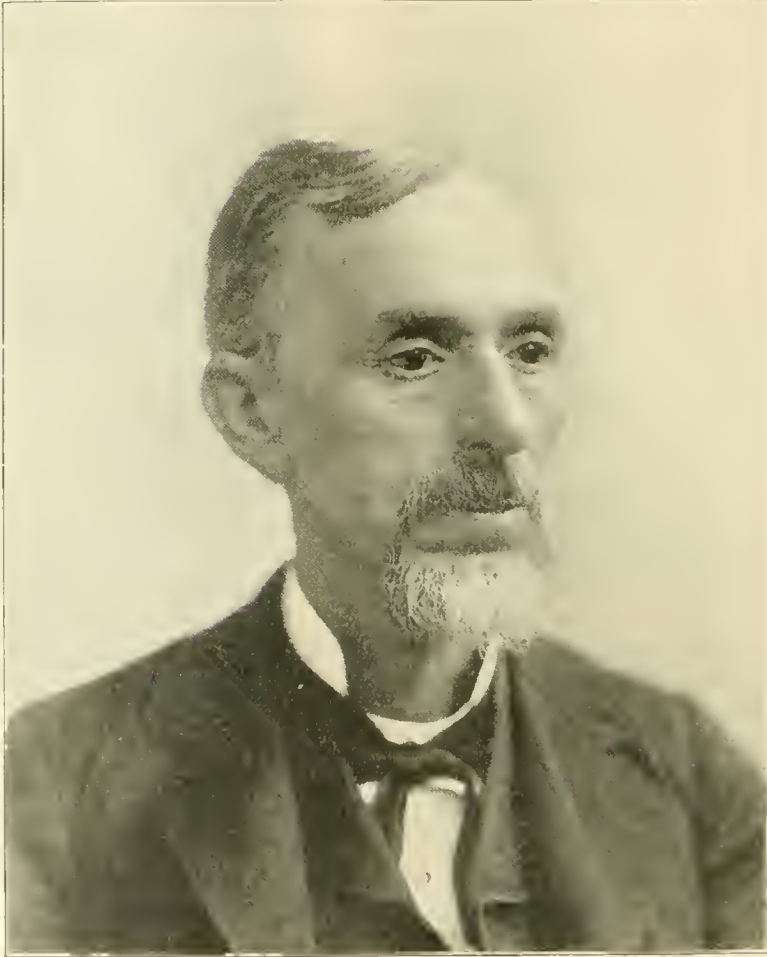
latter's death in 1861, and Governor Richardson was elected to fill the unexpired term, taking his seat January 30, 1863. This partial term in the Senate rounded out Richardson's important political career; for by this time his state had become strongly republican. Though he was too thoroughly seasoned, and too brave a democrat to leave his discredited party and join the popular party, as many other democrats in his state and throughout the North did — some for selfish, and some for patriotic motives — yet, like Douglas, he declared himself on the side of the Union. There were in the North two classes of critics of the abolitionist spirit manifest in the Democratic party, the implacable copperheads, whose sympathies were with the rebellious South, and those who, while condemning the attitude and the acts of the republicans which they sincerely believed to be mischievous and otherwise unwarranted, yet put the preservation of the Union above all other considerations. Though Richardson was individualistic enough to have stood alone in this respect, the unqualified expressions of Douglas for the Union must have strongly influenced him. His resignation of the office of governor of Nebraska illustrated his loyal coöperation with Douglas in the latter's unbending opposition to President Buchanan's sympathy with the Kansas slavery expansion policy of the southern faction of the Democratic party. In a letter to Mr. M. M. Bane, of Payson, Illinois, dated May 4, 1861, after stating that aggressive disunionists of the South were determined to destroy the Democratic party and

the Union and had aided in the election of Lincoln to that end, and that resolutions submitted in Congress in December, 1860, for an amendment to the Constitution, taking slavery out of politics, could have been passed without dishonor to the nation or to any individual, but republicans defeated them all, he said:



OLIVER PERRY MASON

"However much we have differed in the past, there are great present duties upon which we can all agree. Whether the laws that are passed are wise or unwise, whether the government is wisely or unwisely administered, every citizen owes as a solemn duty to obey the law, to support the constitution, to repel invasion and to defend the flag."



Sireno B. Colson

[NOTE — Sireno B. Colson was a pioneer banker of Fremont, Nebraska]

CHAPTER XII

LAND SALES — HALF-BREED TRACT — UNITED STATES SURVEYS — APPOINTMENT OF GOVERNOR BLACK — FIRST TERRITORIAL FAIR — CHAPMAN-FERGUSON CONTEST — ANNEXATION TO KANSAS

WHILE the sessions of the legislature — what they might or might not do, and chiefly in reference to sectional questions — were still the chief topics of public interest, they were becoming less exclusively so; and in the interval between the fifth and sixth sessions, consideration of land sales, the territorial fair, state government, party organizations and conventions, and the annexation of the South Platte section to Kansas afforded busy and healthful diversion, and the attempt to sustain some view of these important subjects served to strengthen the wings of a strenuous but still fledgling press. The newspapers boomed the gold mines for the sake of the resulting advantage of the traffic thereto across the Plains, and commendation of the route starting from their town and depreciation of the others by the journals respectively of Omaha, Nebraska City, and Brownville, in point of energy and glowing headlines, are the reminders if not the full prototype of the present-day yellow journalism.

SALE OF THE PUBLIC LANDS. Sale of the public lands, which had been fought off, as we have seen, by heroic spirit and effort, was now accepted without remonstrance, not because it was desired by the settlers, but rather because it was regarded as inevitable. The sale was advertised to take place at Nebraska City August 1st to 29th; at Omaha, July 5th to 25th; at Dakota, July 18th, and at Brownville, August 8th and September 5, 1859. The sales were confined to specific townships north of the base line and east of the 6th meridian, the Sac and Fox and the half-breed reservations being excepted.

THE HALF-BREED TRACT. By the treaty of

Prairie du Chien, July 15, 1830, what is known as the half-breed reservation, in Richardson county, was set aside for the "Omaha, Ioway, Otoe, Yancton, and Santee Sioux half-breeds." The reservation was surveyed as early as 1837 and 1838, and the western line was retraced in 1855. As defined by the treaty, the reservation was bounded on the east by the Missouri river, on the north by the Little Nemaha, and on the west by a line starting from a point on the Little Nemaha ten miles from its mouth, on a direct line, the stream last named being the boundary line from the ten mile point to the mouth at the Missouri river.

It was later found that a mistake had been made, and a resurvey was ordered by Joseph S. Wilson, acting commissioner for Thomas A. Hendricks, and all lines of the former survey were obliterated. A portion of the land included in the former survey was accordingly offered for sale, and after the territorial organization, settlers and speculators occupied the lands up the line of the former survey. The new survey threw a considerable tract of the settled land inside the reserve. The ambitious town of Archer, the first county seat of Richardson county, was a mile inside the reserve. The white claimants of the land between the new line and the old, induced Fenner Ferguson, then delegate to Congress, to procure the passage of a bill arbitrarily adopting the old survey as the western boundary of the reserve. The motive of the champions of the bill was impugned in the House and a lively debate ensued. In the meantime, the Missouri river had cut away some twenty thousand acres.

THE APPOINTMENT OF GOVERNOR BLACK. Judge Samuel W. Black was appointed governor of the territory in February, 1859, and assumed the office on the 2d of the following May, Secretary Morton having been acting governor since the departure of Governor Richardson, December 5, 1858. The appointment was gratifying to the people because the new governor was popular, but more because

with the commonwealth. Indeed, comparatively, he was an old citizen, and there had been a popular call for his appointment through the newspapers; and there was "great rejoicing on the part of the entire press of the territory over the appointment." The *Nebraska City News*, "the first to raise the name of Black for governor," feels particularly jubilant and happy. "His brilliant talents, his



THE IRON MONUMENT MARKING THE SOUTHEAST CORNER OF NEBRASKA

The above engraving is made from a recent photograph taken from a point looking north and east, showing the Missouri river in the background and the south and west surface of the monument, with "40° N. Lat." in relief letters on the west side and "Kansas" on the south. The figure standing by the monument is that of Mr. John Wright, staff artist of the Morton History.

their home rule sentiment was gratified. Black's three predecessors had all been importations, or rather exportations from far-distant states, and though he had been sent from Pennsylvania as judge of the second judicial district in 1857, yet there was a popular feeling that he had become identified

legal learning, his quick, active and sagacious intellect, his generous impulses and noble soul have endeared him to us — to the whole territory." Evidently Morton was not looking over Milton Reynolds's editorial shoulder that day. For Black had a besetting sin, very common, it is true, among the politicians, and

even those who held the high places of that time, but in his case a serious clog to usefulness. Later — April 16th — the *News* copies with great show of indignation the following animadversion of the Washington correspondent of the New York *Tribune* of March 8th:

the charges against him, and is at the present time reduced to a sad condition." The raging *News* is soon to drive this comparatively mild-mannered newsmonger and utterer of "base and malicious lies, manufactured solely for the benefit of the black republican party," en-



EAST FACE



NORTH AND WEST VIEW



SOUTH FACE

THREE VIEWS OF THE IRON MONUMENT AT THE SOUTHEAST CORNER OF NEBRASKA

"The opposition to the confirmation of Mr. Black as governor of Nebraska was on the ground that he was too intemperate. This was about two months ago. Ever since that time he has been in this city illustrating the truth of

tirely off the field by its own unbridled charges along the same line.

FIRST TERRITORIAL FAIR. The first Nebraska territorial fair was held at Nebraska City, beginning Wednesday, September 21st,



J. N. H. Patrick

[NOTE — J. N. H. Patrick was quartermaster of Nebraska volunteers, 1861. He served four terms in the Nebraska state legislature from Douglas county.]

and lasting three days. Mr. Furnas, president of the first board of agriculture, gives the following account of this important function:

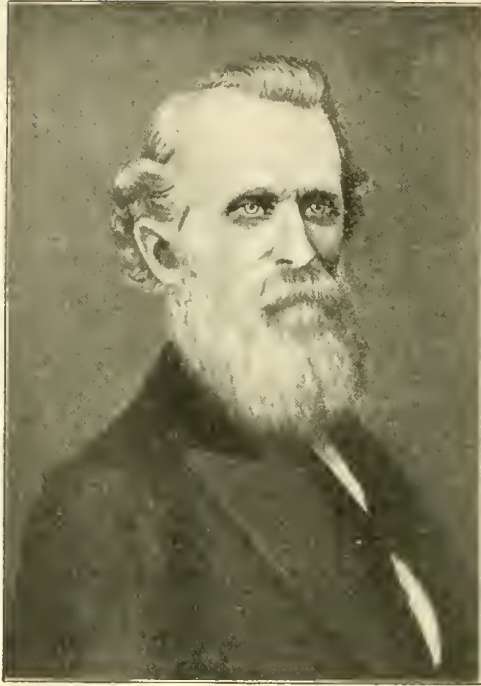
Last week we attended the first Territorial Agricultural and Mechanical Fair at Nebraska City. The result of this, not only the first Nebraska Territorial Fair, but the first Territorial Fair ever held in the United States, was most gratifying. It was a perfect success, when we take everything into consideration. The times are hard, and many at a distance felt that they could not incur the expense of attending. The regular steamboat packets were all out of order—one sunk, and the other fast on a sand bar—and going to and fro in that way cut off; we are in the midst of election excitement, and everybody thinking and talking politics. Taking everything into consideration, we repeat, the result was all the most sanguine friends of the enterprise could expect.

The exhibition of stock, farm products, mechanism, works of art, etc., were creditable indeed. Of course there was not that variety to be found in the county or state fair in the states. What there was, however, was unsurpassed anywhere. The attendance on the last two days especially was large—all classes were there, from the chief executive to the humblest citizen.

The records show that neither the president nor the orator of the occasion was a pretender, but that both had experimental knowledge of agriculture. Mr. A. D. Jones, of the board of agriculture, in his invitation to Morton to deliver the address, assures him that he is eminently qualified to edify an audience of practical agriculturists by reason of his "position as a successful agriculturist," and in the list of premiums awarded we find these entries: Blooded horses, J. S. Morton, best stallion over four years old, \$4; and again, best stallion for draught over four years old, \$10; and still again, best Suffolk boar, one year old, \$5; and President Furnas is credited with three first premiums for Devon cattle. But the most notable feature of the fair was, or rather is, the address by J. Sterling Morton. It was delivered, as President Furnas states in his introduction of the speaker, "from the improvised rostrum of a farm wagon, placed in the shade of this native oak tree."

The address is important because it is a history of the first eventful formative five years of the territory—a remarkably realistic and lucid history by an active, keen-eyed participant in the events he pictures—and because it brings us for the first time face to face with a notable figure of the commonwealth. In his exaltation of the home builder the young man of twenty-seven forecasts a leading characteristic and channel of influence of his maturer manhood. The closing, or prophetic part of the address discloses the ability to "see straight and clear" and to believe accordingly, while others, of only ordinary vision, doubted or disbelieved.

CHAPMAN-FERGUSON CONTEST. The regular biennial contest over the election of delegate to Congress was decided in favor of Ferguson, February 10, 1859, by a vote in the House of Representatives of 99 to 93. As in the Bennet-Chapman contest, the elections committee had reported in favor of seating Chapman, the contestant, by a vote of 6 to 2. The majority found that the total vote of Florence, as returned by the canvassers, was 401, of which Ferguson had received 364 and Chapman 4, and that this vote should be thrown out entirely, insisting that it was greatly inflated, and that a year later it was only one-third as large—159. Making some additional changes in minor precincts, they gave Chapman a majority of 376. The minority consented to throw out only 15 votes, which had been received at Florence after the hour for closing the polls, and, contending that only 159 votes had been counted by the canvassers for Florence, gave Ferguson 34 majority. The territorial board of canvassers had given Ferguson 1,654 and Chapman 1,597. While the final vote does not show a division along party lines, yet there was a leaning toward Ferguson on the part of the most pronounced republicans, and on the part of the leading democrats toward Chapman. The three famous Washburne brothers—Elihu of Illinois, Cadwallader of Wisconsin, and Israel of Maine—already all republicans, voted to seat Ferguson; and Israel, who, with Boyce



DR. JOHN E. SUMMERS, SR.
 Prominent army surgeon. Medical director department of the Platte, 1874



JOHN TAFFE
 Member of early legislatures and president of council



WILLIAM D. BROWN
 Member second territorial legislature



DR. ERASTUS N. UPJOHN
 Very early settler of Bellevue, Nebraska. Army surgeon during the Civil War

of South Carolina, signed the minority report for Ferguson, ably conducted his case on the floor of the House. The testimony of our whilom councilman and capital commissioner, James C. Mitchell, tells us of the population of Florence at that time. It was charged by Chapman that a large illegal Mormon vote had been polled, and in answer to a question as to total population and the number of Mormons, Mitchell said: "I think not less than two thousand population and not more than one hundred actual Mormons." Though the testimony was very conflicting, Mr. Washburne urged with great force that Chapman's part of it was *ex parte* and hearsay, while Ferguson's was given by actual residents and in regular form.

ANNEXATION TO KANSAS. The year 1859 marked the culmination of sectional strife, and its last manifestation was in the attempt by the South Platte section to secede and become attached to Kansas. There appears to have been no mention of this project until J. Sterling Morton introduced a memorial to Congress in its favor, in the lower house of the legislature, on the 17th of January, 1856. The very boldness and originality of the important movement which the memorial started would alone point to Morton as its author:

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the House of Representatives of the legislative assembly of the territory of Nebraska, desiring not only the welfare of the territory of Nebraska, but wishing harmony and quiet throughout the entire domain of our cherished government, respectfully represent to your honorable bodies that the annexation to Kansas of all that portion of Nebraska south of Platte river will be to the interests of this territory and to the general good of the entire Union.

The great Platte river is a natural boundary mark, and seems as though intended by nature for the dividing line between two great states. It is almost impossible (and thus far has been perfectly so) to either ford, ferry or bridge this stream. It, therefore, separates both in identity of interests, and in fact, the

portions of Nebraska lying upon opposite sides of it.

Your memorialists most earnestly solicit, then, that their representations to your honorable bodies, though they may be ever so imperfectly set forth, may meet with due and favorable consideration.

Lastly, your memorialists represent that this addition to Kansas of south Platte Nebraska, will effectually prevent the establishment of slavery in either of the territories, and that it will guarantee to freedom the territory of Kansas, whose fate in regard to this great question is still undecided and doubtful; our interests are advanced, and the agi-



JOHN POWERS JOHNSON

Surveyor of boundary line between Kansas and Nebraska

tation and strife now rife throughout the Union upon the momentous query, "Shall Kansas be free?" is forever answered by an irrevocable affirmative.¹

Though consideration of this movement was postponed by a vote of 20 to 5, yet the strength which it subsequently acquired shows that it was more than an audacious personal device of Morton's to alarm and harass the hated North Platte. But the project slumbered till the beginning of 1858,

¹ *House Journal*, 2d ter. sess., p. 120.

when it was awakened and started with a real vigor by the shock and suggestion of the Florence legislative dismemberment. The *News* now pressed on the movement with vigor, and the *Advertiser* soon became an industrious second. It was charged that all the federal appropriations had gone, and would continue to go for improvements north of the Platte, and an ardent annexation correspondent of the *News* aptly "dropped into poetry" to enforce his plausible argument for division:

"Lands intersected by a narrow frith abhor each other —
Mountains interposed make enemies of nations
That had else like kindred drops been mingled into one."²

The *News*³ itself begins a vigorous editorial bombardment against the hateful tie that binds it to the north country.

As an ultimate result of the adjournment of the twenty-nine members of the Nebraska legislature, we see other than a doubtful triumph of an arrogant majority or the temporary success of a faction breeding minority. We see in it the cheering sign that Nebraska is to be politically dismembered; we see in it another and overwhelming argument, as we think, in favor of the speedy, peaceful, separation of South Platte Nebraska from North Platte. . . .

Our purpose is to deduce from the fact that another session of the legislature has been frittered away, another and important argument in favor of a quiet, peaceable separation of South Platte Nebraska from North Platte. Gentlemen may cry peace, peace, but there is no peace so long as we remain in the same political organization with North Platte. Is not three years experience enough to teach every thinking, sensible man south of the Platte that fact? To leave them is the only remedy we can see. Some may say, let us stay and fight it out. But what has been the result? What do we gain by "fighting it out?" The able communication of our correspondent last week showed what has been the result of three years "fighting it out." We are as willing to "fight it out" as any one when there is anything to be made by it for South Platte; but we submit that the tale of the Kilkenny cat battle does not convey philosophy particularly cheering or encouraging.

A bill to create a new county — Strickland — out of parts of Otoe and Cass helped

to precipitate the trouble, and the day after Morton's motion to reject it was defeated — 9 to 25, only two North Platte members sustaining the motion — he for the second time introduced an annexation memorial. It is characteristic of Morton that in spite of this plain provocation of the threatened dismemberment of his county he remained in Omaha with the Douglas members when the Florence secession occurred two days later. The *Advertiser* at first strongly opposed annexation, insisting that nothing whatever would be gained by it, but on the contrary there was everything to lose, and it denounced those "who would tie us to Kansas in order to settle without doubt the slavery question." In the opinion of this journal not a hundred voters in the South Platte country favored annexation. By the 2d of December, however, the *Advertiser* has become a positive annexationist:

For two years past — in fact nearly ever since the organization of Nebraska and Kansas — there has been considerable said in Congress and out of it as to the practical operations and beneficial results most likely to arise by annexing "South Platte" Nebraska to Kansas. . . . We have opposed such a proposition for the single reason that we would thus become mixed up in the "Kansas difficulties." These difficulties being now removed, or settled, we are forced to admit that there are many and weighty reasons in favor of the movement. . . .

In the first place, the Platte river is a natural boundary line; has been, is, and always will be, an almost insuperable barrier dividing the two sections of Nebraska, known as "North Platte," and "South Platte." Full one half the season it is utterly impassable. It cannot be bridged except at enormous expense; and should this be done, owing to the treacherous embankments and bed of the river, nine chances to one, the first freshet after its completion would sweep it away.

Again, there has grown up a bitter sectional or local feeling between these two portions of the country, entering into almost every question that may be agitated; which always has and always will prevent harmonious effort and retard the progress and

² The *Nebraska News*, January 9, 1858.

³ January 16, 1858.

development of the territory. In short, there are no interests in common at stake.

And still again, while we remain as we are, we cannot reasonably expect to be admitted into the great sisterhood of states short of ten years to come. We have not the population to gain admittance. We have not the financial ability to sustain ourselves as an independent state government.

In the second place, the line as it now exists between Kansas and Nebraska is really only imaginary — on paper — in passing from one to the other it cannot be found; not even a stone or stake denotes the separating line, except perhaps some private mark of the surveyor known only to himself. The natural interests of the two sections spoken of are one and the same; nature has so arranged, and it cannot be otherwise.

By annexation we assist to swell a population sufficiently large to gain immediate admission into the Union, and thus take our place in the rank as a sovereign state, with a voice, votes, and influence in our National Council. We become identified with a portion of the country possessing a world wide notoriety. And however much we may deplore the manner of obtaining, and the cost of that notoriety, yet must admit Kansas has an advertisement unprecedented; attention has been drawn to her from, we might say, almost every portion of the known world.

The *Advertiser* is now able to find in Nemaha, Johnson, and Clay counties a very general opinion in favor of annexation; but Samuel G. Daily, who begins to assume a position of leadership in the republican party in the territory, opposes annexation:

If the object was to divide Nebraska and Kansas and take all between the Platte and Kansas rivers, and make a new territory, I would have no objections. But to annex all south of the Platte to Kansas I have many objections. . . . As we now stand in Nebraska, south of the Platte has the majority, and has the controlling power in this territory. According to the apportionment passed at the last session, we have one majority in the House, and in another year will have more. We can control legislation to our own benefit, and have a due share of all public improvements. But if annexed to Kansas it will throw us away off in the northeast corner of the territory, without number or power to ever control legislation for the benefit of this por-

tion of the state or territory, and all the improvements will be taken south of us, nearer the center, and we will be outsiders — mere hangers-on — only useful to them to help pay their enormous public debt, and without strength to help ourselves in any way.

And again, all the good lands within one hundred miles of the Missouri river, in Kansas, are already claimed or preëmpted, while we have much fine land unclaimed, within ten miles of the river. The consequences will be that with their twenty million acre grants, and numerous railroad grants, that will almost certainly be given, they will literally sweep all our good lands near the river and hold them above Congress prices, and so they can neither be claimed or entered by actual settlers, thus virtually stopping all improvements for years.

And still again, I am opposed to it because it is a Lecompton-English-Bill-Administration measure, intended to give a chance to get out of, or rather to sustain, the position taken, that no more free states shall be admitted into the Union unless she has the 93-000 in population.

On the 1st of January, 1859, a mass meeting was held at Nebraska City for the furtherance of annexation, and a numerous committee, of which Charles F. Holly was chairman, reported a resolution which declared that "the people residing south of the Platte river in Nebraska territory are nearly unanimously in favor of the incorporation of the proposed part of said territory within the boundaries of the proposed state of Kansas, and its speedy admission into the Union; that the entire press south of the Platte (with one weak solitary exception) have proven themselves correct exponents of the sentiments of the people, and we commend them as faithful sentinels on the watch-tower of the public weal! Congress should immediately exercise the power reserved in the organic act of carrying out the wishes of the people residing south of the Platte by providing for a change of the boundary line between the two territories, as prayed for by this convention; that the Platte river is a natural and almost impassable boundary while the country south in Kansas and Nebraska, now divided by an imaginary line, is perfectly similar in climate, soil and

productions, and the interests of the people are as identical as the country is naturally indivisible."

These rhetorical pyrotechnics were the mere firecrackers of the resolutions; the sky-rocket was put off later:

Resolved, That Kansas, bounded on the North by the Platte river, extending west to the 100th degree of longitude, or so as to include a suitable amount of territory, would soon become one of the most important states in the great west. With a mild and genial and healthy climate, and exuberantly fertile soil, valuable rocks and minerals, sylvan groves and sparkling streams, situated on the great national highway between Europe and Asia, and if her enterprising population were protected by the aegis of a constitutional government of their own choice, her march to greatness and power would be steadily, but speedily onward and upward.

On the 5th of January the delegate convention was held at Brownville at which Clay, Gage, Johnson, Nemaha, Otoe, and Richardson—all the South Platte counties except Cass, Saline, and Lancaster—were represented. T. M. Marquett, we are told, though present, declined to act as a delegate because he had not been commissioned by the people of his county. For a man who is to run for Congress this very year and on a specific profession of sympathy for South Platte interests, the question whether the voters of his section are for or against annexation must settle the question whether the principle of annexation is sound or unsound; and so Daily becomes a member of the committee on resolutions which are to come out strong for the dismemberment scheme, though his organ, the *Advertiser*, afterward defended him against the charge that he was an annexationist, by insisting that he spoke against annexation in the convention. Marquett, who was waiting to take his turn as candidate for delegate to Congress when the inevitable reaction against this temporary pro-annexation sentiment should be spent, but might be remembered injuriously in the North Platte, twice declined the invitation of the convention to take part in its proceedings. Stephen F. Nuckolls, of Otoe county, was president of the convention,

and the still familiar names of Elmer S. Dundy, Robert W. Furnas, and Jefferson B. Weston—the last even then from Gage county—were on the list of those who were to prepare an address "to the people of Kansas and South Platte."

The memorial presented to Congress epitomized the resolutions passed at the convention. There was dissent—though apparently weak—from this action, and "a few persons from four counties met at a private residence in Nebraska City," and adopted adverse resolutions.

In the meantime—December 23, 1858—Mr. Parrott of Kansas introduced a bill into the House of Representatives making the Platte river the northern boundary of that territory, but it was never reported from the committee on territories. A considerable number of Kansas newspapers, among them the Leavenworth *Herald* and the Topeka *Tribune*, favored annexation.

On the 2d of May a mass convention was held at Nebraska City and adopted more resolutions which recited, among many other things, that "the pestiferous Platte should be the northern boundary of a great agricultural and commercial state"; that "we, the citizens of Nebraska, are invited to participate in the formation of the constitution" to be adopted by the Wyandotte convention which was to meet on the 5th of July; "that it is the inalienable right of every people in the formation of a state government preparatory to admission into the Union to define the boundaries of said state." The meeting decided that an election should be held in the several South Platte counties on the 7th of June to choose delegates to the Kansas convention, the basis of representation being "the same as it was for the lower house of the Nebraska legislature." This meeting appointed a central committee for each county to organize the election machinery in the precincts, composed as follows: Cass county, William H. Spratlin, Samuel M. Kirkpatrick, Alfred H. Townsend; Gage county, Jefferson B. Weston, Dr. Herman M. Reynolds, Capt. Albert Towle; Johnson county, Charles A. Goshen,

William P. Walker, William R. Spears; Nemaha county, Robert W. Furnas, Seymour Belden, Dr. Jerome Hoover; Otoe county, Allen A. Bradford, William E. Pardee, William L. Boydston; Pawnee county, Christian Bobst, H. G. Lore, Pleasant M. Rogers; Richardson county, William P. Loan, Elmer S. Dundy, Abel D. Kirk.

The *Advertiser* relates that, though the elections in Nemaha county "were poorly attended as we had every reason to expect," yet "the expression in favor of annexation was seven to one, which we think really about the feeling in the county on the subject." The *News* says that every county south of the Platte river had elected delegates. In Otoe county there was a light vote because the opposition "played the Black Republican game of Kansas and refused to vote," yet, while 1,078 ballots were cast at the previous election on a full vote, 900 electors had signed an annexation petition.

We may assume that the sentiment of Otoe and Nemaha counties touching this weighty matter was representative of that of the whole South Platte district. Its remarkable strength and approximate unanimity should be attributed to three nearly distinct sources: The bitter sectional feud, the physical impediment of the Platte river, and the prospect of much earlier admission to statehood by annexation to an already important territory than by continual unnatural connection with the insignificant North Platte country. And then the still lingering sense of the uncertainty of the future of the little-trying Plains country, stimulated, too, by the ever-present sense of isolation, had evidently and naturally produced a feeling of dependence. The prospect of the exchange of a physically unnatural, sentimentally hateful, and therefore weakening union, for a union to whose completeness there was no obstacle, physical or sentimental, and which promised immediate strength and importance in a political, and also in a wider sociological sense, might well have been alluring. This remarkable annexation movement may be really understood only from this psychological viewpoint.

The Wyandotte constitutional convention was organized by the election of James M. Winchell as president and John A. Martin, a prominent figure in our contemporary Kansas, as secretary. Winchell was elected by a vote of 32, to 13 for his democratic opponent, J. T. Barton. This fact suggests a reason why the convention wished, and was able to reject the proposition for the annexation of the democratic South Platte. On the 12th of July "Messrs. Nichols, Reeves, Furnas, Hewett, Keeling, Chambers, Taylor, Niles, Croxton, Bennet, Dawson, and Doane, the Nebraska delegates, are given seats as honorary delegates with the privilege of discussing the northern boundary question. On the 15th the Nebraska delegates were heard. On the 16th it was voted by 25 to 13 that the northern boundary remain unchanged." Of the Nebraska delegates named, Samuel A. Chambers, Robert W. Furnas, Obadiah B. Hewett, and William W. Keeling were from Nemaha county, and William H. Taylor, John H. Croxton, Jacob Dawson, and Mills S. Reeves from Otoe county. On the morning of July 11th "the credentials of the delegation to this body from the territory of Nebraska" were referred to the committee on credentials, and the next day Mr. Thatcher presented a memorial from "the delegation to this convention elected by the people of that portion of Nebraska lying south of the Platte river," and moved that it be referred to the committee on preambles and bill of rights; but on motion of Mr. Forman it was referred to a special committee of thirteen which was appointed the next day. On the 12th the Nebraska delegates were admitted to the floor of the convention, but were not permitted to vote. On the 15th Mr. Reeves and Mr. Taylor, "the gentlemen representing southern Nebraska upon the floor," delivered addresses which occupy thirteen pages of the report of the proceedings. Tried by their home reputation and achievement, Nebraska's oral representatives in the convention must have been quite moderate. Taylor had been dubbed "The Oratorical" in the legislature of 1858, and

the voice of Reeves was all but as ubiquitous. The Wyandotte correspondent of the *Lawrence Republican* writes as follows: "Four delegates are here from Nebraska urging the Platte river as our northern boundary. They will receive the courtesy of a seat on the floor to discuss the boundary question. I do not think the boundaries, north or south, will be altered."



COLONEL LORIN MILLER
Pioneer of Omaha

On the 22d of July Mr. McDowell offered the following resolution:

Resolved, That congress be memorialized to include within the limits of the state of Kansas that portion of southern Nebraska lying between the northern boundary of the territory of Kansas and the Platte river.

After a debate covering pages 270 to 287 of the report, the resolution was rejected by the decisive vote of 19 to 29.

The *News* was furious at the rebuff, and in letting out its feelings it lets in some light on the motives of the Kansans. After stating that, "a vast majority of citizens residing south of the Platte had been vigilant and extremely active" in the project for state gov-

ernment, "so much so that strong overtures were made to our neighboring sister of Kansas for annexation to her soil and thus secure more speedy admission into the sisterhood of states"; and that "the movement was strenuously opposed by our brethren north of the Platte, mainly, as we suppose, because it would tend to retard the march of Nebraska to state organization," this leading organ of South Platte sentiment breaks into the core of its subject:

By sheer infatuation, or most likely by corruption or its equivalent, political scoundrelism, the Kansas Constitutional Convention, largely Black Republican, has refused to extend the boundaries of Kansas to the Platte river, has refused to memorialize congress on the subject, has refused to refer the proposition to congress, and has virtually said to this great South Platte country, we don't want your valuable salt springs, your inexhaustible coal beds, your one hundred and fifty miles of river boundary, your thousands of acres of rich and fertile soil, interspersed with pleasant groves and valleys and rich bottom lands — your rich prairies we don't want, your great geographical and central advantages we won't have. The curious may wish to know why this rich boon was refused by the Black Republican Constitutional Convention of Kansas. It was for this reason: Its acquisition, it was believed by these worthies, would operate against their party. They said South Platte Nebraska was democratic, and that being added to northern Kansas, which is largely democratic, would make Kansas a democratic state, would deprive the Black Republican party of two United States senators, a congressman and other officers. They were dragooned into this position, too, by the republican party outside of Kansas. Kansas, they are determined at all hazards, shall be an abolition state.

But outside appreciation of the indispensable value of the gift the Kansans had so lightly regarded was not wanting, for, in opposing admission under the Wyandotte constitution, Senator Green of Missouri insisted that not over two-sevenths of the area of Kansas could be cultivated, though the western line had been moved eastward to the 25th meridian, its present western boundary. He urged that thirty thousand square miles should be taken from southern Nebraska and annexed to the proposed state. "Without this

addition . . . Kansas must be weak, puerile, sickly, in debt, and at no time capable of sustaining herself." A sample prophecy! At the present time "bleeding Kansas" is, figuratively at least, bleeding in all her borders with agricultural riches.

While the overwhelming defeat of the Lecompton constitution at the popular election of August 2, 1858, might well have reassured the anti-slavery party of Kansas that final success was within their reach, and determined them to avoid entangling alliances, yet the Lawrence legislature, which was controlled by free state members, a few months earlier had adopted a joint resolution and memorial to Congress, the preamble of which recites that the Platte river is the natural boundary of Kansas and ought to have been adopted at the time of the organization of the territory, and that "it is well ascertained from reliable information that such change of boundary would meet with the cordial approval of a large majority of the inhabitants resident upon that portion of Nebraska in question." The resolution was referred to the committee on territories of the lower house of Congress. On the other hand a similar resolution was introduced in the Kansas legislature, January 27, 1858; but though the free state element predominated there the measure was not pushed to adoption. The success of the Republican party in the national election of 1860, which assured the admission of Kansas under the Wyandotte, or some other free state constitution, ended the annexation scheme. It seems fair to conclude that the direct cause of its failure was the refusal of the Wyandotte convention to follow the legislature of 1859 in its approval. And, in view of the discouraging failure of repeated attempts of the territory of Kansas to cross the Jordan which separated it from statehood, it seems probable that the refusal was due as much to fear of further complicating the passage as to the specific motive which the *News* assigned. Though the leaders of the Nebraska movement were ready to abandon it when they felt the Wyandotte rebuff, yet, for some months after, the scheme was pressed from the Kansas side. In the early part of 1860 a number of leading demo-

cratic politicians from Kansas were in Washington in the interest of admission, and they proposed to extend the western boundary from the 25th meridian back to the Rocky mountains, and the northern line of the Platte river. "Marcus J. Parrott, Gen. Samuel C. Pomeroy, Judge W. F. M. Army, and other republicans from Kansas, who are in Washington, insist on the admission of Kansas under the Wyandotte constitution, without any alteration, that constitution being already ratified by two-thirds of the citizens of the territory." All this points to the dual motives for



SAMUEL G. DAILY

Fifth delegate to Congress from Nebraska territory

opposition to the annexation project and the causes of its defeat. But sectional, or South Kaw opposition was not wanting. The following letter written by the son and secretary of Governor Medary to annexation promoters at Nebraska City indicates that southern Kansas opposed annexation for reasons of its own:

Lecompton, K. T., May 16, 1859.

Gentlemen:—Gov. Medary is at present out of the territory, in consequence of which I take the liberty of replying partially to your communication of May 10th. I have consulted one or two gentlemen known to be favorable to the measure now being agitated in your section of Nebraska, and have concluded to give you the result. The measure was brought before the last legislature of this ter-

ritory, and a memorial passed both houses and was transmitted to congress, as also to the governor of your territory, requesting that the southern portion of Nebraska, viz., that lying south of the Platte river, be attached to the territory of Kansas. The only opposition met with was from members living south of the counties bordering on the Kaw river, and they are still opposed from local reasons.

I would suggest that you proceed to elect your delegates to the convention quietly, as it would only create an unnecessary issue in southern Kansas at the time were it freely talked of. I speak only for myself. Gov. Medary when he arrives will reply to your letter as he may see proper. He will be in Kansas within a week. Members of the convention will be more free to act if they are not compelled to pledge themselves before their election. By this day's mail I send a copy of the constitutional convention act.

Very respectfully,

SAM A. MEDARY,
Private Secretary.

To W. H. Taylor and M. W. Reynolds.

After the annexation spirit had died down in the South Platte, newspapers of the North professed that it was now favored in that section, and the *Nebraskian* as late as October 27, 1860, made these spirited remarks:

The *Nebraska City Press* inquires the reason sentiment has changed north of the Platte river on the subject of annexing Southern Nebraska to Kansas. We gave the reason in a former number of the *Nebraskian*. There is

no community of interest between the two sections of the territory: southern Nebraska has too many turbulent agitators, "rule or ruin" men; the people south of the Platte, if we can believe the papers of that section, all desire to be annexed to Kansas, and we "second the motion." As a part of Kansas, you claimed, a year or two since, you'd have a "hotter climate" — although whether it would then be as hot as you deserve remains an open question.

It was a short cry of the South Platte country from statehood through annexation to independent statehood, and the latter was now urged by the leading journals. The agitation for annexation had created a general sentiment in favor of statehood. A meeting held at Nebraska City on the 6th of August recommended that meetings in the interest of statehood be held in all the counties of the territory, and that for the same purpose the governor should call a special session of the legislature at the earliest practicable time. The reasons assigned for this movement were that the territorial government had failed to give security to life and property, to secure the prompt administration of justice, to enact wholesome legislation, and had not responded with due deference to the will of the people. With statehood would come stability and confidence, resulting in investment of capital, immediate control of school lands, and grants for internal improvements.

CHAPTER XIII

THE TERRITORY UNDER PARTY ORGANIZATION — THE FIRST PARTY CAMPAIGNS — DAILY-ESTABROOK CONTEST — SIXTH LEGISLATURE

THE first territorial democratic ticket was nominated by the convention held at Plattsmouth, August 18, 1859. General Leavitt L. Bowen of Sarpy county called the convention to order. Mills S. Reeves of Otoe was elected temporary chairman and John W. Pattison, the early journalist of Omaha but at this time of Dodge county, temporary secretary. Silas A. Strickland of Sarpy was permanent chairman, and Abel D. Kirk of Richardson, Merrill H. Clark of Douglas, and John W. Pattison of Dodge were permanent secretaries. According to the report of the committee on credentials, delegates were present from all of the twenty-four counties represented in the apportionment law of the preceding general assembly.

The following special resolution was offered and adopted:

Resolved, That to carry out the object set forth in resolution number five of the resolutions adopted by this convention, it is necessary that a special session of the general assembly of Nebraska territory be called for the purpose of authorizing the people to form a constitution preparatory to admission into the union as a state; and we recommend to his excellency, Governor Black, to call a special session of the general assembly for that purpose at such time as to him may seem proper.

The chief interest of the convention centered in the choice of a candidate for delegate to Congress; and though Dr. Miller had won his home county — Douglas — in a contest with Estabrook, the latter was taken up by the convention and nominated on the ninth ballot.

The first territorial convention which may fairly be called republican met in the school house at Bellevue, at 11 o'clock in the forenoon, August 24, 1859.

Mr. Daily was on motion declared the unanimous nominee of the convention, and in a speech he said that he was not a candidate of any section. Thayer and Bennet promised to support the nominee of the convention. John H. Kellom of Douglas county was nominated for school commissioner, Henry W. De Puy for auditor, James Sweet for treasurer, and Oscar F. Davis for librarian.

Orsamus H. Irish, who led the "peoples party" delegation from Otoe county, strongly objected to acquiescence in the Philadelphia platform, and the convention was by no means harmonious.

Though manned by the leading republicans of the territory this convention stealthily if not sagaciously declined to denominate itself as republican, and it christened its nominations the people's territorial ticket. Its declarations of principles were as many-sided as its name was equivocal. It sought comprehensively to embrace all "those citizens of Nebraska who disapprove the policy of the national government during the last six years." Its demand for a homestead law, for a Pacific railroad, and for statehood, and its denunciation of the slave trade paralleled declarations on the like subjects in the democratic platform, while its heroic expression of devotion to popular sovereignty outran that of its rival, until at the end it was emasculated by the saving clause, "subject to the regulations of Congress."

In the principal counties the democrats nominated straight legislative and local tickets, while the opposition was called fusion or independent. The democrats elected their entire territorial ticket by a majority of about 400, and two-thirds of the members of the house of representatives. The council elected the



EXPERIENCE ESTABROOK

year before being democratic, that party was again completely in the saddle. The canvass of Daily and Estabrook was energetic. Estabrook's advantage in education and legal and political experience was more than set off by Daily's natural ability. In edge and staying power Daily was something of a diamond, but in the rough, and his forcefulness was not impeded by delicate moral scrupulousness. At the beginning of the canvass — September 10th — the *News* said of him: "We are only giving general circulation to a plain, unvarnished truth when we state that Mr. D. ranks among the most illiterate of republicans," and he won the sobriquet of "Skisms" by the reassuring statement in a speech at Nebraska City, just after his nomination, that his party, unlike the Democratic party, was united and free from "skisms" (schisms). The witty Irish editor of Dakota county observed that: "Daily is such a black republican that to call him an abolitionist rather improves his color." By accident or design Daily gained a material advantage over his opponent by his opposition to annexation. When Estabrook began to make capital charges against him in the North Platte by charging that he was a member of the Brownville annexation convention and there favored the scheme, his South Platte organ retorted that on the contrary he had made a very strong speech in the convention against annexation, and that as a delegate from Nemaha county he had voted for it under instructions but also under protest.

In political contests both sides still continued to depend upon illegal votes, and an important feature of every election was a race for irregular returns, with the advantage of course on the side of the democrats, who were the final judges. The territorial board of canvassers, consisting of Governor Black, Chief Justice Hall, and Leavitt L. Bowen, United States attorney for the territory, found 300 majority for Estabrook and gave him the certificate of election. But if the democratic candidate had any advantage in this beginning his opponent could count on at least an equal advantage in the end — at the hands of the now republican House to which his appeal would lie.

On the 27th of October Daily made a lengthy public demand for the certificate of election, setting forth in particular that the 292 votes of Buffalo county, all returned for Estabrook, were invalid because that county had never been organized. Daily hinted that there were fraudulent returns from properly organized counties, but conceded that under the laws the territorial canvassers could not revise returns from such counties. He knew that the elections committee of Congress would take care of that part of his case. Though there was no minority report from the committee, the declaration that the report was unanimous, and that, "even Gartrell of Georgia, a democrat of the strictest sort, was compelled to join in condemning them (the election frauds) by such a report," was incorrect. Though Mr. Gartrell, who did most of the talking for Estabrook at the hearing before the House, had voted in committee, on the evidence it had, to oust Estabrook, he complained that no opportunity of seeing the report was offered him until the day when it was under discussion in the House. The republicans of the House, led by Mr. Campbell of Pennsylvania, who represented the majority of the elections committee, and Mr. Henry L. Dawes of Massachusetts insisted on pushing the question to a vote on the showing of the committee, while the southern democrats asked for delay so that Estabrook might offer some evidence on his side. Mr. Dawes stated that Estabrook "omitted entirely to take any testimony on the subject simply because, as he says, he supposed the contestant had made a blunder which would be fatal to his case, and that he could not have a hearing on his testimony."

The committee found that Buffalo county had not been organized and that the election was therefore invalid; that 238 of the 292 votes returned were cast, if at all, at Kearney City, situated on the south side of the Platte river, which stream was the southern boundary of the county as defined by the act of the legislature authorizing its organization; and that "the proof is that there are not over eight houses and not exceeding fifteen residents at Kearney City." The entire vote of

Buffalo county was therefore rejected. The thirty-two votes of Calhoun county — twenty-eight for Estabrook and four for Daily — were rejected because, the county not being organized, but attached to Platte county for election purposes, those in charge of the election there should have sent returns to the clerk of Platte county; while instead they were sent direct to the governor. The committee also found that the whole voting population of the county did not exceed six. So the vote of Calhoun was thrown out. The twenty-four votes of Iazard county — twenty-one for Estabrook and three for Daily — were rejected because there were no voters at all in the county. The twenty-three votes of Genoa precinct, Monroe county — all but three for Estabrook — were rejected because that precinct was within the Pawnee reservation. Sixty-eight of the one hundred and twenty-eight votes of L'eau-qui-court county were rejected because the committee concluded that there were not more than sixty voters in the county. There were thus subtracted 429 from Estabrook's total of 3,100 votes, leaving him 2,671. Daily lost ten of his original 2,800 and was left with 2,790, or 119 majority.

The committee on elections were no doubt technically right in finding that the attempt of Governor Black to organize Buffalo county by appointing the county officers himself was invalid; but since it appears by their finding that there had been an informal election of the officers, it may be inferred that the wish of the committee stood in close relationship to their thought. A legally formal election on the Nebraska frontier in the '50s was about as rare and impracticable as a social function with Parisian manners in the same region. The act creating Hall county specifically authorized the governor to appoint the first county officers, and Black, without authority, seems to have imitated the like action of Acting Governor Morton a few months before.

The legislature at the last session passed an act to organize the county of Hall, and Hon. J. Sterling Morton, acting governor, has judiciously appointed and commissioned the following officers for said county: Probate judge,

Richard C. Barnard; sheriff, Hermann Vasold; recorder, Theodore F. Nagel; treasurer, Joshua Smith; justices of the peace, William A. Hagge, Isaac Thomas; constables, George Schultz, Christian Menck; county commissioners, Frederick Hedde, Daniel B. Crocker, Hans Vieregg. The name of "Hall" was given to this county as a compliment to Chief Justice Hall.

Then follows this interesting descriptive paragraph:

Grand Island City is the county seat of Hall county, and is situated forty miles west of Columbus. It is the extreme western settlement of Nebraska and is surrounded by a thrifty, intelligent farming population. The country about it is upland bottom, very fertile, and timbered and watered. Grand Island itself is seventy-five miles in length, and averages four miles in width, being heavily timbered with oak, hickory, cottonwood, and red cedar.

Then comes this prophecy — in those inexperienced times little more substantial than the stuff that dreams are made of, but which nevertheless has already all come true:

Hall county is destined to be one of the richest and most thickly settled counties in Nebraska, located as it is in the fertile valley of the Platte and on the great highway between Omaha and the Pacific.

And next comes the inevitable political appreciation:

Governor Morton has been peculiarly fortunate in the selection of his officers, and we know they give entire satisfaction, and are heartily endorsed by the people of Hall county. They are men of sterling integrity and sound democrats, and have long resided in our territory.

If the names of these officers are a criterion, our early foreign immigrants must have been quick to appreciate the advantages of Hall county.

The opposition freely charged fraud in the Daily vote, and especially in Richardson and Pawnee counties. The growing feeling on the slavery question is reflected by the contemporary press:

Our worst apprehensions, we fear, have been more than realized with regard to illegal voting in Pawnee, Richardson and the entire lower tier of counties. The delectable leaders of the fever-heated and blood-hot abolitionists of Falls City, an interior, seven by nine

town near the Kansas line in Richardson county, that supports a half dozen whisky shops, an equal number of dilapidated dwelling-houses and one horse taverns, boasted that they could "import" all the voters they wanted from Kansas. This is the celebrated town founded by Jim Lane, and peopled by him with a scurvy horde of rapsallions fresh from the "sands" of Chicago and the Five Points of New York, as he was on his way to the memorable invasion of Kansas. Is it to be wondered that in a democratic county such a town within a stone's throw of the Kansas line, should cast for the republican candidate for congress one hundred and forty-three votes out of one hundred and seventy-two? The town could legitimately cast perhaps seventy-five votes. . . .

Every intelligent man at all conversant with politics in Richardson county knows that that county is democratic by at least two hundred majority. Yet the democratic candidate for congress gets barely thirty-nine majority. Pawnee county out of one hundred and forty-six votes gives the democratic candidate barely twenty-two votes. Does any one doubt that the Kansas abolitionists have played their high game of fraud and illegal voting?

The Dakota City *Herald* made a statement in regard to the Buffalo county part of the case, which, while it may have been colored by partisanship, yet throws an interesting light on the facts and conditions pertaining to the elections of that year:

The Republican papers say that there were frauds perpetrated in Fort Kearney and L'Eau Qui Court county, both which places gave Estabrook a goodly number of votes; the former yielding him 292 majority and the latter 128. On the other hand it is charged that the republicans polled a large number of illegal votes in Douglas, Richardson, Pawnee, Clay and Gage. . . . The Omaha *Republican* says that not fifty legal voters reside in the two counties of Hall and Buffalo. Had we not known that this statement was, to say the least, incorrect, it might have passed for what it purported to be in this part of Nebraska; but having visited Fort Kearney several times during the past three years, we know from personal knowledge that there are more than fifty legal voters there. At no time we were there was there less than three times that amount. As voters, whether they might be termed "legal" or not we leave others to judge. They were chiefly government teamsters, herders, employees about the fort, Majors, Russell & Waddell's employees, sut-

lers and their clerks, trappers, traders, and a few gamblers. Last spring it would be safe to say there were three thousand voters at the fort, including those a few miles above and below. We know several who became discouraged at the report from the mines, but determined not to go back. One party went and settled on the Little Blue; another crowd laid off a town six or eight miles below the fort. A number of others went a few miles above to fashion a city and called it after an illustrious Pole. The probability is there are a large number of persons there, and that they have daily increased since spring. While we state these as matters of fact, we do not say there were no illegal votes polled. Indeed, it would be strange if there were not, when it is charged that in the city of Omaha, in the face of the law, and despite the vigilance of the sentinels of both parties, a negro cast a democratic vote and ten citizens of Iowa who were just passing through the town on their way home, voted for Daily. We do say, however, that in the absence of proof to the contrary, we accept and believe the 292 majority for Estabrook to be all right. Now for L'Eau Qui Court. We never were in that county, nor any nearer to it than Dakota City, and cannot speak by authority. But what strikes us as strange is this fact: that county is represented to be republican. They elected a republican county ticket and gave Judge Taffe, a republican, a large majority over Judge Roberts, democrat, for float representative. Being of the conservative kind, and not having their republican belief tinged with abolitionism, they voted for Estabrook to a man. Since the election not one of these republicans has breathed a breath of "fraud," nor anyone else that we know of, nearer than the *Republican* office at Omaha.

Daily was declared entitled to his seat without a roll call, May 18, 1860. It is not likely that Estabrook's blunder in not offering any contradictory testimony would have changed the result. There was a richer field for irregularities in his section of the territory than in Daily's, and so it would have been difficult, and probably impossible for him to overcome this natural presumption against himself before a more or less prejudiced committee and house. After the certificate had been given to Estabrook by the territorial canvassers conservative opinion was averse to a contest on this ground: "One great reason why so little has heretofore been secured for Nebraska is that she has never yet had a delegate so situ-



DR. JETUS R. CONKLING, OMAHA



MRS. JENNIE HANSCOM CONKLING



DR. JAMES H. PEABODY, OMAHA



MRS. JENNIE YATES PEABODY

ated that he could work for the territory; he has always devoted the most of his time to watching and defending his seat."

Judge Alfred Conkling, father of Roscoe Conkling, prepared Daily's protest to the board of canvassers. He came to Omaha to practice law, but finding the methods of the profession at that time not to his liking, soon returned to New York. Roscoe Conkling was a member of the House of Representatives at this time.

The *News* proclaims that Otoe is still the banner county, having polled fifty-three more votes than Douglas — the next in rank — at the late election.

It had taken six years of time and the work of five legislative assemblies to get the territorial organization into fair working order, and a serious obstacle to its progress had been bitter local sectionalism. The remaining years of the territorial existence were to be more or less seriously distracted by sectionalism on a national scale. At first the republicans are chiefly bent on party formation and supremacy in the territory, and then, for the rest of the territorial period, will follow the passions and distractions of the war. At first the democratic leaders are on the defensive, and then they bitterly attack the policy of their victors. The democrats are divided, the majority following Douglas and jealous of the minority, led by the federal office-holders, who must needs stand more or less openly on the side of the breach between Buchanan and the hero of popular sovereignty occupied by their chief. This division doubtless accounts for the democratic aid given to republicans to pass a bill prohibiting slavery and its veto by the governor.

But on the whole the sixth territorial assembly, which convened December 5, 1859, was the tamest of all the legislative assemblies up to this time. Thomas J. Boykin of Sarpy, Thomas J. Collier of Dakota, and William A. Little of Douglas county took the seats left vacant in the council by the resignation of Leavitt L. Bowen, H. C. Crawford, and William E. Moore, and Dr. Edmund A. Donelan of Cass county was elected president. Elmer S. Dundy of Richardson county and William

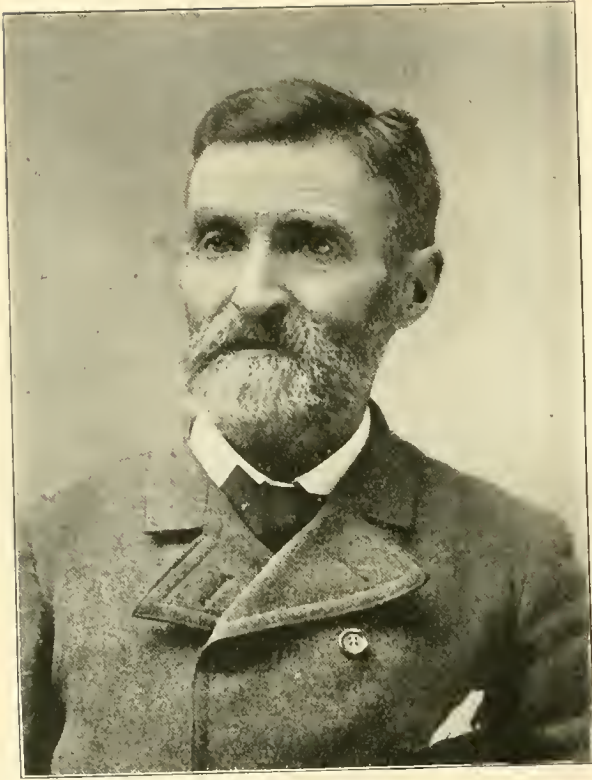
H. Taylor of Otoe county were the only republicans in the council.

The seat of Richard C. Barnard of the district of Monroe and Hall was unsuccessfully contested by Leander Gerrard. R. S. Parks applied for a seat "as member elect from the gold regions." The committee on privileges and elections reported that it was impossible to seat Mr. Parks because the maximum number of members under the organic law had already been apportioned; but they stated that the petitioner represented a very important portion of the territory and a community greatly in need of legislation, and eminently deserving the consideration, attention, and favor of the house. The committee recommended that the petitioner be admitted within the bar of the house at pleasure.

Of the thirty-nine members of the house twenty-five were classed as democrats; the rest were republicans, full-born or in embryo. There was a struggle over the organization between the administration democrats, led by the governor and secretary of the territory, and the opposing faction, led by Rankin, in which the latter won. Strickland of Sarpy county, the democratic candidate, was elected speaker over Marquett of Cass, the republican candidate, by a vote of 24 to 12. Names on the list of members familiar to present-day Nebraskans are George B. Lake and Andrew J. Hanscom of Douglas; Turner M. Marquett, Samuel Maxwell, and Dr. William S. Latta of Cass; Stephen F. Nuckolls of Otoe; John Taffe of Dakota, and Eliphus H. Rogers of Dodge.

Governor Black's message was devoted mainly to refuting common slanders as to the bad climate and unproductivity of the soil of the territory, and to an argument justifying its admission as a state, in the course of which he estimates the population at 50,000 to 60,000. A historical paragraph of the message is worth quoting:

This territory was organized at the same time with Kansas, on the 30th day of May, 1854, and the first legislature met at Omaha, on the 16th day of January, 1855. In that body eight counties were represented. Now, at the expiration of less than five years, twenty-five counties have their representatives



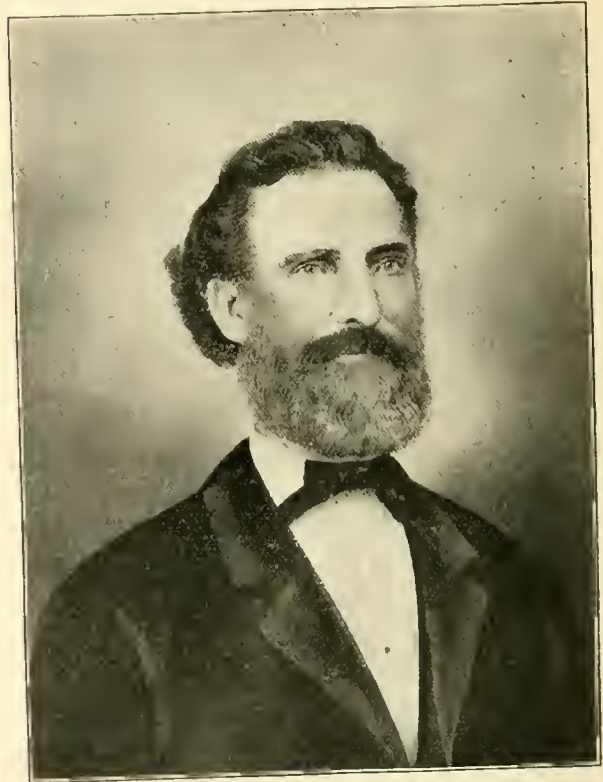
EVANDER W. BARNUM, PIONEER OF CASS COUNTY



JAMES M. HACKER, PIONEER OF NEMAHA COUNTY



JOHN STEINHART, PIONEER OF OTOE COUNTY



JOHN DUNBAR, PIONEER OF OTOE COUNTY

in the legislature, and thirty-five counties have been fully organized, or their boundaries defined by law. With the exception of those which lie immediately upon the Missouri river, nearly all the counties have been so laid off as to cover a surface of exactly 24 miles square. The lands in Nebraska actually surveyed amount to 8,851,758.59 acres. The surveys have been extended from the dividing line between Kansas and Nebraska, on the 40th parallel, to the latitude of 42 degrees and 51 minutes, while the average depth from the Missouri river is about 140 miles.

Bad conditions and not much better economic ideas are illustrated in this paragraph:

It is a matter of bitter experience that the people of this territory have been made to pass through the delusive days of high times and paper prices, and the consequent dark and gloomy night of low times and no prices. We have had our full share of the financial spasms which for two years have afflicted the great body of the American people. They are gradually passing away, but they will never altogether disappear until the producing causes are removed. One chief and manifest cause so far as new states and territories are concerned (not the only one), is the enormous and overwhelming rate of interest which is exacted for the loan of money, for a common credit in many cases, even for the necessities of life, or for a brief extension and forbearance of an existing debt. It is idle to look for relief, except in stringent and effective legislation. I am not sure that the evil can be entirely banished by law, but it is worth the trial. I therefore recommend the passage of a usury law, contrived in the best possible way to overturn the present system and practice of extravagant and ruinous rates of interest.

Financial conditions are set forth as follows:

According to the auditor's report, the present liabilities of the territory are \$31,068.23. On the 20th of September, 1858, they amounted in warrants to \$15,774.95. Between the 20th of September, 1858, and November 1st, 1859, in accordance with various laws, warrants were issued for \$16,459.95, making the current expenses for that time appear to be the whole of that sum. But fully one-half the amount of those warrants was for liabilities incurred during the year 1857-58, making the actual current expenses for this year to be in fact only about \$8,000. The revenue from taxes, due January 1st, 1859, as reported by the different counties (Pawnee county excepted), amounts to \$19,387.57, so that the

whole debt of the territory may be set down at \$11,680.66 more than the estimated resources of the year ending December 1st, 1859.

In his recommendation as to taxation the governor hits on the idea of "the unearned increment," and wins the everlasting esteem of the present day single tax advocates:

It is true that the man who labors and improves his own land, may be recompensed for all that he does, but still he serves, in some degree, both the government and the community, in the very work that he does for himself. Further, he adds to the value of every acre of vacant land in or near his neighborhood. If that land is held for mere speculation, is it not clear that the owner looks to the labor of others for the gains which are to follow the enhanced value of his estate? In regard to this subject I wish to be explicit and plain. It is a fact very well known that hundreds of thousands of acres of the best land in Nebraska are held by individuals who have never broken a single foot of sod with spade or plough. These lands, being unimproved, pay only at present a comparatively small tax. The man who lives on and improves his property, in town or country, has generally a reasonable amount of personal property. For the purpose of making the burdens as light as possible, where they should be light, I recommend that real estate shall be made the chief basis of revenue. I think it would be well if there was a special exception, to a limited extent, from all taxation made in favor of the different kinds and varieties of stock and cattle. As, for instance, a certain number of sheep, swine, oxen, horses, cows, etc.; the object being mainly to encourage the tax-payers of the territory to rear and keep stock, especially such stock as is valuable and of the most improved description or breed.

Though the criminal law of the territory had been restored, the governor complains that it is rendered ineffectual for lack of a penitentiary or other public prison, and he states that a large and enterprising population in the western part of the territory, mostly in the mining region, are without the benefit of county organization, and consequently in a great measure without the protection of law.

The message is a well-worded and occasionally eloquent address, and sustains Governor Black's reputation as a brilliant stump speaker. The last paragraph is a fine sample of this kind of oratory. No other public man

of Nebraska has written so "finely"—with such rhetorical taste or oratorical effect as Governor Black wrote. Two veto messages of this session are notable, one at great length in objection to the anti-slavery bill, the other a deserved but ineffective rebuke of the now settled and vicious custom of granting special charter privileges to individuals.

For the first time the auditor feels justified in stating in his report that the revenue law is fairly effective, and his optimism is based upon the fact that the counties now comply with the law so far as to levy the taxes; but a year later the treasurer is compelled to complain that they are not paid. The territory is still living almost wholly on credit in the form of fast increasing warrants.

The principal enactments of the legislature were as follows: An act providing for an election to be held the first Monday in March, 1860, to decide whether or not the people desired state government, and to elect delegates to a convention which should prepare a state constitution; concerning the jurisdiction of justices of the peace and procedure before them; providing that a delegate to Congress should be elected in 1860 and every two years thereafter, and that his term of office should begin on the 4th of March next after his election; a homestead and personal property exemption law. A bill prohibiting slavery in the territory was passed by both houses, but was vetoed by the governor. The legislature authorized the organization of the counties of Dawson, Kearney, Morton, Nuckolls, Shorter, West, and Wilson, and legalized the previous organization of Gage county. Dawson and Kearney counties continue as small parts of their originals; Holt takes the place of West; Morton and Wilson lay partially adjacent in the region where the Sweetwater flows into the North Platte river, now in south central Wyoming. Shorter county, whose name was changed to Lincoln in 1861, adjoined Kearney on the west; both held elections in 1860, but for some reason the board of territorial canvassers counted out the vote of Shorter. These two counties were assigned legislative apportionment in 1861. Neither Morton,

West, nor Wilson appears to have performed any organized function. About the usual number of special acts for incorporations and ferries and bridges were passed. Joint memorials to Congress were adopted asking for school lands in lieu of those covered by the Indian reservations in Nemaha and Richardson counties; for indemnity for the cost of the Pawnee Indian campaign; for appropriations to build a penitentiary; to construct a military road from Nebraska City to Fort Kearney; and for \$30,000 to complete the capitol. The memorial for the capitol appropriation recites that "under a degree of mismanagement, wholly unpardonable, upon the part of the executive, Mark W. Izard," the whole appropriation of \$50,000 was expended, "and the building only just begun." The first act protecting game animals in Nebraska was passed at this session.

The statehood measure was generally favored and party lines were not drawn in considering it. Party animosity was concentrated on the anti-slavery bill, and it was as bitter between the democratic factions as between the two parties themselves. A speech on the usury bill, delivered in the house by S. F. Nuckolls, illustrates the pinched financial conditions of those times as well as the insight into economics of a man untrained in its principles. Mr. Nuckolls conducted a large across-the-plains freighting business besides other important enterprises. Our county of Nuckolls was created by the sixth assembly, of which he was a member, and received his name.

The death of Judge Fenner Ferguson occurred at his homestead farm at Bellevue, October 11, 1859. Judge Ferguson was the first chief justice of the territorial supreme court and was a resident of Michigan at the time of his appointment. He possessed fair ability, commanded general respect, and had the good will of the citizens of the territory to an unusual degree, especially for a public officer of those days. He served one term as a delegate to Congress, from December, 1857.

CHAPTER XIV

POLITICAL CONVENTIONS — CONGRESSIONAL CAMPAIGNS OF 1860-1862 — SEVENTH LEGISLATURE — MORTON-DAILY CONTEST — DEPARTURE OF GOVERNOR BLACK — APPOINTMENT OF GOVERNOR SAUNDERS — MILITARY AFFAIRS — EIGHTH LEGISLATURE

AT the statehood election of March 5th, 2,372 votes were cast against, and 2,094 for a state government. The main issue was so complicated with cliques and prejudices that the vote was scarcely a true expression of public sentiment in relation thereto; "not one-half the democratic voters participated in the election, treating the whole thing as a farce." The statehood scheme was put forward, and in the main supported by the old South Platte element, and particularly by Otoe county. Thus the heavy majority for state government came from the following counties: Cass, 303; Otoe, 249; Washington, 202; and Nemaha, 96; while against the proposition Douglas gave 456; Dakota, 174; and Sarpy, 226. Sarpy had by this time accepted the inevitable, given up capital hopes, and was adjusting herself to her local interest, while the considerable influence of Daily doubtless had something to do with throwing Richardson, which gave 154 against the state proposition, out of gear with her South Platte traditions and locality.

The Omaha *Republican* contented itself with insisting on the choice of free state—that is, republican—delegates to the constitutional convention; while the *Nebraskian*, the democratic organ at the capital, stoutly asserted that democrats would put an anti-slavery provision in the constitution. Douglas, or popular sovereignty, democrats were undoubtedly in the majority in the territory, and they resented the insistence of Governor Black, in his recent veto of the anti-slavery bill, that the people of the territory, through the legislature, did not possess the power under the organic act to deal with the slavery

question. It was charged also that the administration, or Buchanan faction, kept Douglas democrats off the delegate ticket in Douglas county. Of the fifty-two delegates to the constitutional convention the republicans chose about forty, and while, because the state proposition was defeated at the same election, there was no constitutional convention held, the democrats were left in a bad plight. Among the well-known names of the delegates were Alfred Conkling, Gilbert C. Monell, grandfather of Gilbert M. Hitchcock, John M. Thayer, John Taffe, Thomas L. Griffey, Oliver P. Mason, Thomas W. Tipton, Thomas P. Kennard, Judge Augustus Hall, Isaac Pollard, Dr. Jetus R. Conkling, and William Cleburne.

The republican territorial convention for 1860 was held at Plattsmouth on the 1st of August. Daniel L. Collier of Burt county was temporary chairman and T. W. Tipton of Nemaha, temporary secretary. W. F. Lockwood of Dakota county was president of the regular organization. Samuel G. Daily was a candidate for renomination for delegate to Congress, and J. M. Thayer of Douglas, W. H. Taylor of Otoe, T. M. Marquett of Cass, and John Taffe of Dakota county were his principal opponents. At the first Thayer ran even with Daily, but the latter was nominated on the tenth ballot. The resolutions reported by G. C. Monell of Douglas county endorsed the nomination of Lincoln and Hamlin for president and vice president; declared in favor of a homestead bill, and of a bill giving the school commissioner of the territory the right to lease the school lands; favored appropriations by Congress for completing the capitol, for building a penitentiary



Victor Vifquain

[NOTE—Victor Vifquain was a pioneer of Saline county, Nebraska. He was a general in the Union army during the Civil War and prominent in Nebraska politics.]

at Bellevue, for building a government road from Nebraska City to Fort Kearney, for bridging the Platte at a point on the direct line of communication between Nebraska City and Omaha; declared that increased-population in the mining regions and the resulting immense travel along the Platte valley demanded a Pacific railway; denounced the appointment of non-residents to fill the federal offices; and declared that the anti-slavery bill passed by the last legislature "was demanded by the continued attempt of slavery propagandists to establish the institution in this free territory." The demand of the address of Alfred Conkling, chairman of the republican committee, for sober men in office, was not uncalled for, and is suggestive of a marked phase of social conditions of that time.

The democratic convention was held at Omaha on the 15th of August. A. J. Hanscom of Douglas county was temporary chairman and Mills S. Reeves of Otoe county was permanent president. J. M. Woolworth, chairman of the committee on credentials, incorporated in his report this interesting statement: "Your committee find that Victor Vifquain holds a certificate of election as a delegate to this convention from said county [Saline] and report the matter to the convention without recommendation." This was the first introduction of General Vifquain into the politics of the commonwealth, in which for more than forty years he was an important and interesting figure. On his admission as a delegate Mr. Vifquain made a speech whose brevity was equaled only by its patriotism, quite characteristic of the speaker.

Gentlemen of the convention, and fellow democrats:

I thank you in the name of the democrats in my own county for the resolution taken in reference to Saline county.

It is not necessary for a Frenchman to promise fidelity to the stars and stripes — Lafayette's memory and the French blood spilled for the independence of this beautiful country is a guarantee of it. I swear to the democrats fidelity and devotion until death.

On the 11th of August the *News* acknowledges a call from "Victor Vifquain, Esq., an enterprising and intelligent Frenchman who

resides at Beranger on the Blue, seventy-five miles west of this city. Last fall his county polled sixteen votes, every one of which was for the entire democratic ticket." General Vifquain's oath of fidelity to his party was kept during the intervening forty years "until death," without swerving so much as a hair's breadth. J. Sterling Morton was nominated for delegate to Congress on the fourth formal ballot. The other principal competitors for the nomination were A. J. Poppleton, S. A. Strickland, Stephen Decatur, and J. F. Kinney. Judge Eleazer Wakeley received fifteen votes on the informal ballot, but he then immediately withdrew his name from further consideration. Judge Kinney also notified the convention that, owing to the fact that he had recently been appointed chief justice of the supreme court of Utah, he could not become a candidate; but he received fifteen votes on the last ballot.

Mr. Poppleton evidently transferred his strength to Morton on the decisive ballot, and it is interesting to observe this evidence of the early friendship of these two eminent citizens of Nebraska, which lasted to the end of Poppleton's life. At the ratification meeting at Nebraska City, says the chronicler of the event, "Mr. Poppleton commenced with a most feeling and eloquent eulogy of the many traits of character developed in Mr. Morton — that he had known Morton from the time they were school boys together; and he was proud to follow so gallant and noble a leader in the present canvass." But ruinous factional strife was not wanting. "The little squad of Douglasites of this city" dominated the convention, and Morton was thrust down the throat of Governor Black as the bitterest pill for him to be found, and then, to meet this inconsistency, they wanted to lay Morton, also an administration office-holder, up to dry, too. In the hearing of the Morton-Daily contest Morton threw a ray of light on this subject:

I will state in reply to the statement that Colonel Black awarded a certificate to a political opponent, that in that election Colonel Black and every appointee of that administration, with one exception, sustained Daily,



Jonas Welch

[NOTE -- Jonas Welch was a pioneer of Columbus, Nebraska, and prominent in local politics. He was a delegate to the national democratic convention.]

either by voting for him or by working for him, or by refraining from working for me. . . . Governor Black did make two speeches for me in this way: In endorsing the Buchanan platform and the veto message prohibiting slavery in the territory, which was the burden of his speech; at the end he also said: "I endorse Mr. Morton as the candidate of the party, although he is not such a democrat as I can heartily support."

It was charged against Black that he did everything in his power to defeat Morton—worked, spent money, and voted against him. On the other hand it was insisted that the Douglas democrats were slighted in the convention and that the Buchanan-Breckenridge faction dictated its proceedings; but the skill with which Morton steered between the factional rocks and over the factional rapids was conceded. Dr. B. P. Rankin, in a speech at Nebraska City, refused to support Morton for Congress, and asserted that in the legislature, in 1857, Morton did all he could to kill his resolution eulogizing Douglas as the champion of popular sovereignty and called him a Douglas democrat as an epithet. Rankin also complained that Morton kept on drawing his salary of \$2,000 under Buchanan while he pretended to support Douglas.

Resolutions of both party conventions favored internal improvements in substantially similar terms, but the democratic resolution specifically asked for a grant of land to build a Pacific railroad, having its eastern terminus at or near Fort Kearney with four branches from that point to the Missouri river, the territorial legislature to select the routes. The convention also pledged itself to demand "a grant of land to establish a university in Nebraska, and that said university should be established in Cass county, as the most central point in the territory."

The attitude of the convention toward national questions was both discreet and wise. After the preamble, which vainly recited that the people of Nebraska had no voice in the election of a president and that their own interests demanded their energies, the convention pointed to "the unprecedented degree of prosperity" to which the party of Thomas Jefferson had carried the country, and then

frankly and unequivocally pledged the party to make Nebraska a free state. The political attitude of the two parties is now reversed, the republicans for the first time acknowledging and marching aggressively under their national standard, the democrats somewhat evasive of national, and emphasizing local issues. The Omaha *Nebraskian*, one of the two leading democratic organs of the territory, had insisted, as early as January 14th of this year, that, "until an all-wise Providence shall remove Nebraska four or five degrees further south slave labor cannot be profitably employed in this territory. We venture to predict that when a convention shall assemble



Engraving from an old daguerreotype taken in the early '50s and now owned by Charles L. Saunders of Omaha.

ALVIN SAUNDERS

War Governor of Nebraska territory May 15, 1861,
to February 21, 1867

to frame a constitution for this state of Nebraska not a delegate will vote for a slavery constitution." As we have seen, this assertion was vindicated by the declaration in the party platform in the fall of this year; and it is significant as showing the determination of the democrats—even though it may not have reflected their independent anti-slavery feeling—to acquiesce in the prevailing sentiment of the Northwest, before the country had

come to the final parting of the ways in the national election of that year.

Even the democratic organ of the North Platte presented the standard-bearer and the situation in this light:

Mr. Morton, the nominee, is well, and we may add, very favorably known to Nebraska. He has been identified with the interests of the territory ever since its organization, and during the last two years has acquired no little celebrity as the faithful, efficient and untiring secretary of Nebraska. Endowed with fine talents and possessed of a liberal education, with a pleasing address, and those better qualities of the heart that draw around him hosts of friends, none can deny his fitness for the high position assigned him by his party. Probably no man in Nebraska is so cordially hated and feared by the small coterie of rascals that prowl around certain localities of this territory, as J. Sterling Morton. Daily and his coadjutors are particularly bitter against him. The members of that little cabal of spoils hunters, have made sundry and sweeping charges against him, as disbursing officer of Nebraska. The democracy of Nebraska have taken up the gauntlet thus thrown down by Daily and his toadies, and avow their confidence in the integrity of the man so grossly assailed. Mr. Morton, too, has always been known as an earnest friend to appropriations for the various purposes mentioned elsewhere in this paper. Daily is known to be as decidedly opposed to those appropriations. The issue is therefore made up, and the canvass may be regarded as begun.¹

Morton's home paper presented a picture of the man, and aimed to restrict the issues:

Hon. J. Sterling Morton, democratic candidate for delegate in congress, is a pioneer squatter, having emigrated to the territory in 1854. His interests are all here. For six years his best energies, his time and his talents have been devoted to the development of the material interests and resources of Nebraska territory. His has been the strong arm and the sturdy hand of productive industry. It is instituting no invidious comparisons to say that probably no other man in the territory has done more for the fostering and development of our agricultural resources—the importation of the best and choicest breeds and varieties of stock, &c., &c.

Not only is Morton as an individual deeply interested in fostering the development of Nebraska and hastening in of the bright future that awaits her—the platform of principles

upon which he stands pledges him to use his utmost exertions as the delegate of the people of Nebraska, *irrespective of party*, to secure for the territory, not only all “needful appropriations,” but certain special appropriations, which it is submitted Nebraska stands greatly in need of at this present time. These needful appropriations are specially mentioned in the platform of principles and measures of the democratic party of Nebraska.²

The republican war cry in the campaign was raised against Morton for disregarding the election of Furnas as public printer, for the alleged frauds in the frontier counties in the election of 1859, and against the administration for the veto of the homestead bill—a dangerous question in Nebraska. The republicans also charged that the democrats were responsible for the sale of public lands which forced many of the squatters to pay for them. It was urged that “five per cent a month is the enormous rate of interest paid by hundreds of settlers in Nebraska” for money, “which they were forced to submit to or lose their lands.” that Morton petitioned for the sale of the lands, and afterward refused to sign a remonstrance against it; that the enforcement of these sales at a time when settlers could not pay for their land ruined nine-tenths of them; and the bill of particulars specified that the books of the register of deeds of Nemaha, Richardson, and Pawnee counties showed that the enforced land sales had saddled a debt of \$43,130 on Nemaha farmers secured by trust deeds on 27,340 acres and drawing interest from twenty-five to sixty per cent per annum; on Richardson county of \$25,966.11, 15,102 acres, interest as above; on Pawnee county, \$16,103, 6,985 acres, nine-tenths of this drawing sixty per cent, which must be forfeited; total \$85,109.11, at an average rate of fifty per cent, making interest \$42,595. To this charge the democrats answered, in plausible palliation, at least, that Judge Holly of Nebraska City, Richard Brown of Brownville, and James Craig of Missouri, all democrats, went to Washington at their own expense and secured the postponement of the sale of lands for a

¹ Omaha *Nebraskian*, August 18, 1860.

² Nebraska City *News*, August 25, 1860.

year. It would have taken almost indefinite postponement of the time for payment to avoid inconvenience or hardship, and these extravagant complaints were no doubt largely a partisan afterthought.

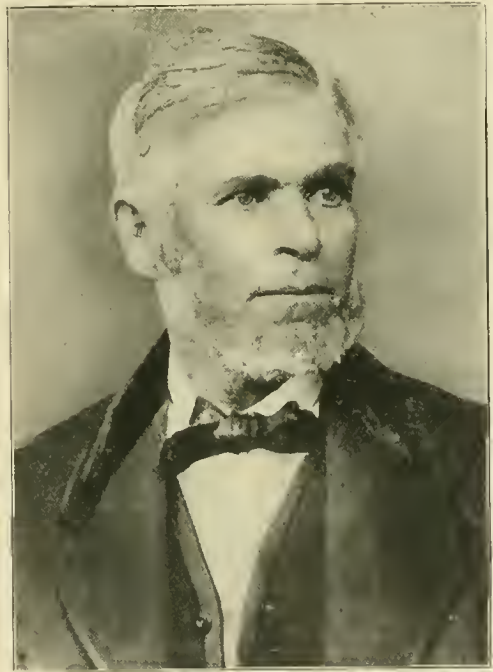
Democrats themselves were vexatiously divided upon the slavery question. While most of them were against slavery it was asserted that Governor Black was a Breckenridge democrat, and that in his speeches in the campaign for Morton he advocated letting slavery into all territories and the admission of more slave states.

The republican journals assailed Morton violently, and the completion at this time of the gradual change of the *Advertiser* from a democratic to a republican organ was a serious injury to his cause. Furnas had kept at the head of the editorial columns of the *Advertiser*, during the preceding eight months, the names of Douglas and Andrew Johnson of Tennessee — the latter subsequently nominated for vice president on the ticket with Lincoln — as his choice for president and vice president, but after the Charleston convention he withdrew this last pretense of democracy. He assailed Morton with virulence because he had refused to recognize him as public printer in 1858. Notwithstanding that Morton was then, as always afterward, too much devoted to his political opinions to sufficiently sacrifice or neglect them for success, his brightness and skill in discussion were already proverbial. "Morton is a pleasant looking, pleasant spoken man — very cautious — always spoke of his opponent as Samuel, or my friend Samuel — would deal heavy blows sometimes, but always dealt them with a smile on his lips — made some awful charges which he must have known were all moon-shine — is as much superior to Estabrook, as the sun is superior to the moon."

But Morton, with his college and urban breeding, was a shining mark for the bucolic wit, humor, and malice of his extreme frontier environment.

Daily's abolition organ at Nemaha City charges Morton with a fine foppish air. As to Morton's fine foppish air we think it will be taken as a fine joke wherever he is known,

and he is known pretty generally throughout the territory. We have seen Morton among his "Suffolks" when we thought he didn't present a very foppish air. We have seen him making fence, hauling posts, and the like (we believe he is not a rail splitter) when we have thought his air was very fine but not very foppish. Morton and his family presented rather a humid and humorous air, but not a very foppish one when, six years ago, they woke up of a morning in their log hut in Nebraska and found the snow on their bed to the depth of twelve inches.³



DR. JOHN MCPHERSON

Member of territorial constitutional convention and credited with establishing the first Nebraska newspaper, the *Advertiser*, at Brownville.

Daily's homely art and artfulness were put to powerful use, and the now thoroughly receptive anti-slavery sentiment in the Northwest lent peculiar force to his assaults on "this yer dimmocratic party" and his uncompromising and ultra-conservative opponent.

In an agreement signed at Beatrice, on the 26th of September, the two candidates agreed to give up discussion at Austin, Clay county because "we are credibly informed that no audience exceeding six persons can be raised at that place."

The territorial board of canvassers found

³ Nebraska City News, September 8, 1860.

that of the 5,900 votes cast Morton received 2,957 and Daily 2,943, and they gave the certificate of election to Morton, but through the remarkable action of Governor Black, one of the canvassers, Morton's cup of victory was to be dashed from his very lips.

There is contemporary statement that Buffalo county was unorganized in 1859 and that Butler, Calhoun, Cuning, Izard, Jones, Kearney, Monroe, and Saline counties were unorganized in 1860. As has already been indicated, the application of the term "organization" to these new counties was very indefinite and variable in its meaning. The table of election returns throws some light on their status.

The republicans carried the council 8 to 5, and the house stood republicans 28, democrats 11. But the seat of Asa M. Acton, democrat of Richardson, was contested by E. J. Davenport, and both were excluded. There was a bitter partisan contest for the seat of councilman from Richardson county between Elmer S. Dundy and William C. Fleming. Thayer, republican, voted to oust Dundy, making the vote a tie; but the president of the council gave the casting vote for Dundy and saved him. The democratic organs, the *News* and the *Nebraskan*, attacked Dundy, the man as well as the politician, with a violence which is seldom indulged in by the most yellow journals of the present day. It was the case of the half-breed vote again, and it was alleged that Dundy, acting in the capacity of deputy county clerk, threw out the votes of white men living on the half-breed tract and gave himself the certificate of election; but the part of the charge that Dundy acted as clerk in his own behalf was not well founded. When Secretary Morton came to administer the oath to members of the council, Dundy refused to take it in vindictive and threatening language: "I have often been sworn but have never yet taken an oath. I desire to say to the secretary, that neither he nor any other man, can cram an oath down my throat, so help me God. It is an insult to which I will not submit, and Secretary Morton and his friends and admirers shall find that they cannot insult me with impunity."

Dundy kept his word, as Morton was to realize soon in his congressional contest.

The seventh general assembly convened December 3, 1860. William H. Taylor of Otoe county was chosen president of the council, and Henry W. De Puy of Washington county speaker of the house. Taylor had been a Douglas democrat as lately as two years before that time.

The statute of 1856 provided that the governor should apportion the representation for both houses of the general assembly, and the statute of 1858 specifically apportioned the members of the house. The organic act made it the duty of the governor to apportion the membership of both houses of the first legislature and then provided that "thereafter . . . the apportioning representation in the several counties or districts to the council and house of representatives according to the number of qualified voters shall be prescribed by law." But the governor, presumably under color of the unrepealed part of the act of 1856, attached Johnson to Nemaha for a council district, and Cedar, Dixon, and L'eau-qui-court to Dakota for another council district. In attempting to trace enactments and account for acts of administration one is tempted to designate irregularity of procedure as the genius of those territorial times.

The governor's message was practical, direct, and business-like, the best of his papers in this respect — and its closing appeal, invoking a spirit of devotion to the Union and the Constitution, evinces so clear, deeply patriotic, and sympathetic a conception of the impending danger to both as to stamp him as much more than a stump speaker of rare skill. The messages of the two eloquent territorial governors, Cuning and Black, were given to rhetorical style, and both men loved perorations; but, considering the peculiar and doubtful economic conditions in Nebraska and the political cataclysm which then menaced the whole country, this closing prophecy and exhortation by the most graceful and engaging political orator of the territorial period, if not of the entire life of the commonwealth, was not out of place:

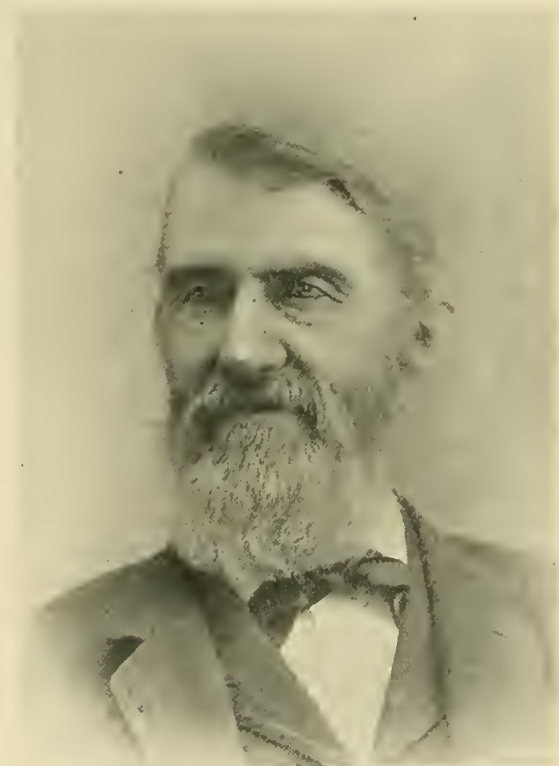
I can not close this communication — the

last regular message I shall have the honor to submit — without uttering the voice of direct appeal to you in your own behalf and that of the people at large. Our internal affairs call for the exercise of wisdom, sound judgment, patience, and an honest purpose. These will not fail of producing prosperous results now, and permanent good in time to come. I believe today, and with no broken nor diminished confidence, in the wonderful capacity of Nebraska and in her ultimate and complete success. A soil so rich and prolific, a climate for most parts of the year so pleasant, and at all seasons so full of health, was not meant for a waste place nor a wilderness. God has written His decree of her prosperity deep in the earth, and develops His designs in the rejoicing harvests which return in smiling abundance to them who, betimes, have sown in tears. With an unflinching trust it becomes us to believe, and to say that we believe that He will not suffer His own ordinances to fail, and the plain purposes of His own will to come short of completion.

The relation of a territory to the general government is peculiar, and one, in many respects, of entire dependence. Without the aid and fostering care of the federal government the territorial condition, especially at the beginning, would be deplorable indeed, and the great object of ultimate hope, the admission into "the Union" as a sovereign state, would be sadly distant and uncertain. The suggestion of self interest, and the loftiest patriotism should combine to make the people of the territories faithful to the constitution and firm in their attachment to "the Union." When one is the subject of open and frequent violation, and the other trembles on a sea of troubles, every good and conscientious citizen will ask himself the question, What can I do that my country may be saved? You can not shut your eyes, nor can I close mine to the fearful fact that this confederacy is shaken to the center, and vibrates with intense feeling to its farthest borders. If it is not in our power to do something towards bringing back the days of other years when peace prevailed, let us at least do nothing towards making the present more gloomy, and the future at best, but hopeless. Rather with one accord let us invoke the God of all peace, for "even the wind and the sea obey Him," that He will subdue the storm and quiet every angry element of alienation and discord.

The message and the reports of the auditor and treasurer repeat the familiar doleful financial refrain. The territorial debt has risen in

five years to \$52,960.37, with \$30,259.10 of taxes remaining unpaid, and the public business is still done in depreciated and rapidly increasing warrants. The treasurer complains that "many of the organized counties have failed to make any returns whatever, and some others only a small part of the amount assessed to them," and the auditor learns "that some counties in the southern part of the territory have taken it upon themselves to discard the levy of taxes made in 1859 by the



SAMUEL FINDLEY BURTCH

Member of constitutional convention, former treasurer of Sarpy county, member of legislature, 1877, and receiver of United States land office.

territorial board of equalization, and have made a levy to suit their views." Of a levy on the several counties of \$19,615.47, for 1859, only \$4,813.36 had been paid. The message recommends the funding of the warrants, then worth only fifty or sixty cents on the dollar, into five or ten year bonds. It complains also that the territorial officers who receive fees are getting extravagant compensation. Exemption from taxation of a portion of individual holdings of land to encour-

age growth of trees is also recommended. Other conditions are set forth as follows:

It is not to be denied that appropriations to this territory have been both indifferent and few. Legislative memorials have hitherto accomplished but little, and we have all become familiar with disappointment. They may not always fail, and *if properly enforced*, we are not without hope of their ultimate success. An appropriation for the building of a penitentiary is of immediate necessity. The completion of the capitol building is equally necessary and I will cheerfully cooperate with you in every endeavor that may be made to obtain from congress the required appropriations. Without a bridge over the Loup Fork, the government road up the Platte valley is but a work half done. This improvement is both a public and a military necessity; and not less required, but indeed a matter of fair and just demand is an appropriation for at least one military road from some suitable point on the Missouri river, and south of the Platte to Fort Kearney. The question of gold in the western part of this territory and of Kansas, is no longer doubtful nor open to debate. The travel to and from the mines during the past season has been, as you are well aware, immense. The incoming year will show a large and material increase. The vast emigration has been attended with considerable sickness and suffering, and in many instances death has ensued from the lack of accommodations, nursing and care. The hospital attached to Fort Kearney is perhaps the only place on the whole route where those overtaken by sickness have any opportunity of being nursed and furnished with medical attendance. I have received the gratifying intelligence that the officers of that post, including those of the medical staff, have done everything in their power to relieve the sick and mitigate their sufferings. Their means are necessarily limited and the accommodations small.

The only political question of importance considered at this session was the bill abolishing slavery. In view of the liberal attitude of the democratic platform toward that subject, and the fact that the Douglas popular sovereignty element was in the ascendancy, democratic members could not consistently oppose the prohibition measure, and it passed the council with only three members voting no, Belden, Bennett, and Little, and the house with only two opposing, Acton and Porter. The governor again vetoed the measure, giv-

ing the far-fetched reason for his objection that by the terms of the treaty of the Louisiana Purchase the prohibition could be legally made only after admission of the territory as a state, and further that the Dred Scott decision stood in its way. But since the decision, or the dictum, only decided that a law of Congress — the Missouri Compromise — prohibiting slavery in territory of the United States was unconstitutional, the question of the power of the local legislature in the premises was at least an open one. Both houses passed the bill over the veto, the council by the vote by which it had originally passed, and the house with the same number in opposition, but Downs taking the place of Acton, who had been unseated.

In accordance with the governor's recommendation, acts were passed as follows: Fixing the annual rate of interest at ten per cent in the absence of agreement and a maximum of fifteen per cent by agreement, with a penalty of forfeiture of interest for violation of the law; a law providing for the refunding of outstanding warrants, which by the act of 1857 drew ten per cent interest, at seven per cent; reducing the fees of officers paid by that method, and the salaries of the territorial auditor and treasurer from the extravagant sum of \$800 and \$400 respectively to the munificent sum of \$600 and \$200. And to show beyond a peradventure that economy was rampant, the offices of territorial school commissioner and librarian were abolished and their duties imposed upon the auditor — presumably to give that officer no time to grieve over his own reduced stipend. Another attempt was made to amend the revenue and school laws so that taxes might be collected. The manufacture of sugar was encouraged by a law requiring county treasurers to pay out of any money in their hands not otherwise appropriated five cents for each pound of merchantable sugar manufactured from cane raised within the county.

Congress was memorialized to organize the already provisionally organized territory of Jefferson for the following reasons:

Your memorialists, the legislative assembly of the territory of Nebraska, would most re-

spectfully represent to your honorable body that the people residing in the western portion of the territories of Kansas and Nebraska, commonly known as the provisional territory of Jefferson, have, through their delegate to this assembly, expressed a desire to obtain a separate and distinct territorial organization, and your memorialists believe that the great distance intervening between the capital and the extreme western portion of this territory renders it impracticable to organize counties therein, and that a territorial organization is necessary to protect the lives and property of the people of that remote region.

And your memorialists further represent that the gold mines of that region, are located in a portion of the territories of Kansas, Nebraska, Utah and New Mexico, which renders it expensive to the general government, and inconvenient and unsatisfactory to the inhabitants thereof to be represented in the legislatures of their respective territories.

A somewhat reduced number of incorporation and other special acts were passed at this session.

Still determined to get the public printing from the control of the democratic secretary, the republican majority, by a joint resolution, appointed Edward D. Webster, publisher of the *Omaha Republican*, and Alfred Matthias public printers. But Judge Wakeley decided that under the organic act Secretary Morton was the rightful custodian of this business, as he had insisted from the time he became secretary. In view of the pending change of the national administration, a fierce controversy was raging at this time for apportioning the honors and emoluments of the newly triumphant republicanism:

The "irrepressible conflict" rages in the ranks of the republicans in this territory at a terrible rate. It is worse than the black tongue among the cattle in these parts, which in all conscience is bad enough. The leaders are fairly foaming and "slobbering at the mouth." Copperas and salt won't save them.

It is a war of individuals and masses. The individuals, the aspirants for office, the Daily legislative clique are led by Taylor, Webster of Omaha, and some say Matthias of Nebraska City. We are induced to hope that the latter has not yet got his foot full in the trap. The masses are led by Thayer and Monell of Omaha, and, it is said, Mason, Cavins, and

Irish of this city. The war was opened in the legislature by the attempt of Dictator Taylor to read out of the republican party the "War-horse of Freedom," Gen. Thayer. The general wouldn't stay read out, and proved conclusively that Taylor was never fairly in the party. Thayer having fairly squelched Taylor, Webster of the *Omaha Republican* turns upon Thayer and attempts to prove that he (Thayer) has always been a democrat. This looks a little strange to us who have had many a tilt with the general while he was editing the *Republican*. We remember to have characterized that journal under his management as very black. When the moon turns into a great big head of green cabbage, and Thayer turns democrat, we'll inform our readers. For a faithful portrait of Webster the curious are respectfully referred to Thayer's letter to the public.

The census of 1860 gives the population of the territory as 28,841 — whites, 28,696; free colored, 67; slaves, 15; Indians, 63. Of this total, 1,761 whites and 4 Indians were in that portion of the territory north of latitude 40° and west of longitude 103°; and in that portion bounded on the north by latitude 42°, east by longitude 101° 30', south by latitude 40° and west by longitude 103°. Of the fifteen slaves, 10 were in Otoe and 5 in Kearney county. Of the counties, Douglas led with 4,305, next came Otoe, slightly below her rival, with 4,194; then Cass, 3,369; Nemaha, 3,097; Richardson, 2,834; Washington, 1,249; Sarpy, 1,199. None of the other counties reached a thousand. But Nebraska City still had the satisfaction, no doubt keen enough, of out-ranking Omaha with 1,922 against 1,883, Bellevue coming next and showing astonishing vitality with 929. No other town in the territory reached 500. The population found west of longitude 103° and latitude 40°, amounting to 1,765, were mainly in the new gold mine region at the base of the Rocky mountains, and now a part of Colorado.

The political event of the summer of 1861 was the biennial contest for the seat in Congress, of more than usual interest this time on account of the unusual circumstances in which it arose and the ability and prominence of the men which Morton's brilliant qualities had attracted to his side. W. A. Richardson

of Illinois, Daniel W. Voorhees of Indiana, and George H. Pendleton and Clement L. Vallandigham of Ohio advocated the cause of Morton on the floor, and Henry L. Dawes, chairman of the committee on elections, very ably conducted the case of Daily. Richardson, who of course had become acquainted with Morton while he "had the misfortune to be governor of Nebraska," as he said in discussing this case, in urging that he be permitted to present his own case to the house, made this confident prophecy as to the future of his young protegee:

I know him. I will say of him that of all the young men in the country, and I am fa-



WILLIAM F. LOCKWOOD

Early judge of the third judicial district of Nebraska familiar with a very great many of them, he has the greatest intellect and the most promising future. I pass this compliment upon him. I have known him for years, and I have watched him well. Beyond the Ohio river there is not a brighter intellect. Gentlemen, you will hear of him hereafter; mark my words.

The organic act of the territory provided that "the manner of holding the elections (for delegate to Congress) shall be prescribed by law," and that "the person having the highest number of votes shall be declared by the gov-

ernor to be duly elected." The election occurred October 9th. Under the law, the governor, the chief justice, and the United States attorney for the territory were the canvassing board. They met to canvass the returns of the general election on the 2d of November, and on their finding that Morton had the highest number of votes Governor Black issued a certificate of election in his favor, November 2, 1860. On the 29th of April, 1861, the governor issued a certificate in favor of Mr. Daily, as follows:

I, Samuel W. Black, governor of Nebraska, do hereby certify that, at an election held in the said territory on Tuesday, the 9th day of October, 1860, for delegate to congress of the United States for the thirty-seventh congress, Samuel G. Daily was duly and lawfully elected delegate to the said congress; and whereas, after the canvass of the votes at the said election, a certificate of election was given to J. Sterling Morton, he having apparently the highest number of votes, having nominally fourteen votes more than Samuel G. Daily, the only opposing candidate; and it being a fact that one hundred and twenty-two votes were counted to the said J. Sterling Morton in what is called the northern precinct of L'eau-qui-court county, that being the whole number of votes returned and claimed as cast therein at the election aforesaid.

And it further appearing conclusively since the date of the said canvass and certificate issued to the said J. Sterling Morton, that the election in the said northern precinct of L'eau-qui-court was a fraud throughout, and should have been rejected and not counted, which would have shown a legal majority of one hundred and eight votes in favor of the said Samuel G. Daily.

Therefore, I, Samuel W. Black, governor of Nebraska territory, do hereby revoke the certificate of election issued as aforesaid to J. Sterling Morton, as delegate to congress to the thirty-seventh congress, and do certify that Samuel G. Daily was, according to a fair and just count, duly elected as delegate to the thirty-seventh congress of the United States for Nebraska territory.

In testimony whereof, I have hereunto set my hand and caused the great seal of the territory to be affixed.

Witness my hand at Omaha, this 29th day of April, A. D. 1861.

[L. S.]

SAMUEL W. BLACK.

By virtue of this certificate the clerk of the

House, John W. Forney, entered Mr. Daily's name on the roll, and he was seated when the House met in special session on President Lincoln's call, July 4, 1861. In January, 1861, after the alleged frauds in L'eau-qui-court and other counties had been thoroughly discussed in the newspapers, Governor Black was called as a witness in the contest case instituted by Daily, and testified as to his own powers and his action in this case as follows:

The board were unanimously of the opinion that when abstracts of the votes cast were transmitted by the county clerk, we could not in any case go behind his return to inquire into the legality of the election in any precinct or all the precincts of any county, and this decision is precisely the same as the decision of the board in 1859, when Mr. Estabrook and Mr. Daily were candidates, and in 1857, when Judge Ferguson, Mr. Chapman and others, were candidates. Mr. Chapman then insisted that the board should go behind the returns of the county clerks, alleging fraud, etc., which they refused to do. Two of the board had supported him at the election, and it was decided unanimously that under the law of February 13, 1857, the governor had no power except to cast up the votes transmitted by the several county clerks. The decision of the last board was, that notwithstanding certain irregularities in the abstracts of returns transmitted by the clerks, still it was our duty to decide in favor of the franchise, provided the return seemed to be substantially correct.

Mr. Pendleton, after quoting this testimony in the debate, said:

And upon the following page of this printed record, when he is called upon to explain the grounds upon which the board of canvassers acted in counting the returns of L'eau-qui-court county, he justifies their action upon the ground that neither the governor alone nor the board of canvassers had any authority to go behind the papers that were placed before them, authenticated by the hand of the clerk and the seal of his county; and that he must have issued the certificate to Morton, and could not possibly have issued it to Daily.

The following remarkable affidavit which is given with the running comment of Mr. Voorhees as he presented it in his speech shows when and how the second certificate was issued:

I hold in my hand the affidavit of Mr. Pentland, which will show the character of

this case in its legitimate colors. It is as follows:

"District of Columbia, City of Washington, ss:

"I, Andrew W. Pentland, formerly resident of the territory of Nebraska, but more recently connected with the army of the Potomac, upon my oath depose and say: I am a relative of Samuel W. Black, formerly the governor of Nebraska; that I was at his house in Nebraska City one day in May last, after he (Black) had been removed from the governorship of Nebraska, and Alvin Saunders had been appointed and had arrived in Nebraska, and had gone to Omaha—"

That was after Governor Black's term of office had expired, after he had ceased to be governor of Nebraska—

"And that at the private residence of the said Samuel W. Black, at Nebraska City, in the month of May, 1861, in the presence of Samuel G. Daily and Samuel W. Black, I copied for the said Black and Daily a certificate of election to congress which he (Black) then and there in my presence and in Daily's presence, did sign and give to Mr. Daily, first, however, sticking upon the said certificate a green wafer, which had been under the great seal of the territory:"

I would not vote for any man, I care not what else he would present in the case, who would bedaub and defile his title deed by a transaction of this kind—

"And the said certificate was made by date to appear to have been issued some time previous, and by Black in his executive capacity of governor of Nebraska.

"Furthermore this deponent is willing to go before the committee of elections for the House of Representatives of the thirty-seventh congress, and be examined and cross-examined upon all the above subject-matter.

"A. W. PENTLAND.

"Sworn and subscribed to before me this 4th day of March, A. D. 1862.

"F. I. MURPHY, J. P. [L. S.]"

Ah, this is not evidence, say the committee. Why not? Under the resolution I have quoted from the extra session, it is clear, legitimate, and proper evidence. But further, if that would not do, Mr. Morton offered to bring the witness himself before the committee in proper person. That was refused, and it is to be observed here that it was not for the want of proper notice.

But by the 7th of May, 1862, Mr. Daily was able to produce another affidavit from Pentland, dated the 30th of April, 1862, in the course of which he declared:



Henry A Koenig

[NOTE — Henry A. Koenig was an early miller, lumber man, and banker of Grand Island, Nebraska]

I said, in my affidavit of the 4th of March, that I copied said certificate some time in May last, after he (Black) had been removed from the governorship of Nebraska, and Alvin Saunders had been appointed. I am now quite certain that it was on the 9th of May, 1861, four days before Governor Black removed from the territory. But by saying that it was after he had been removed from the governorship of Nebraska, I did not mean to be understood that he was not then the governor, for I am certain he was; I only intended to say that it was after his removal so far as the appointment of Governor Saunders removed him; but he was the governor up to the time he left the territory, as Governor Saunders had not yet been qualified, nor entered upon the duties of his office—in fact, I think he arrived at Omaha on the 12th, and Black left on the 13th of May. The original of the certificate was in Governor Black's handwriting, and was not very legible, and the paper was rumpled. I put the same date in the copy as was in the original, and placed a green wafer on it that had been under the seal. Governor Black had such wafers in his possession, and used them when necessary to facilitate business, as his residence was fifty miles from Omaha City, the capital of the territory.

But an important change in this facile affidavit-maker's fortunes changed his point of view and materially affected his memory. Mr. Richardson explained Pentland's change of attitude thus:

One or two days after Morton had offered to introduce Pentland as a witness before the committee, the sitting delegate recommended the appointment of that witness as a clerk in one of the departments here. I ask the clerk to read the letter of the secretary of the interior.

The clerk read as follows:

Department of the Interior,
"April 22, 1862.

"Sir: In reply to your letter of the 21st instant, I have the honor to inform you that Mr. A. W. Pentland was appointed a temporary clerk in the General Land Office, the 15th March, 1862, on the recommendation of Hon. S. G. Daily, of Nebraska territory. There are no papers on file in the department in behalf of Mr. Pentland.

"Very respectfully, your obedient servant,
"CALEB B. SMITH,

"Secretary of the Interior.

"HON. W. A. RICHARDSON,

"House of Representatives."

Continuing, Mr. Richardson said:

If you will examine the date of Pentland's affidavit, and the appointment of Pentland by the Secretary of the Interior, upon the recommendation of the sitting delegate, you will find that they occurred within two or three days of each other.

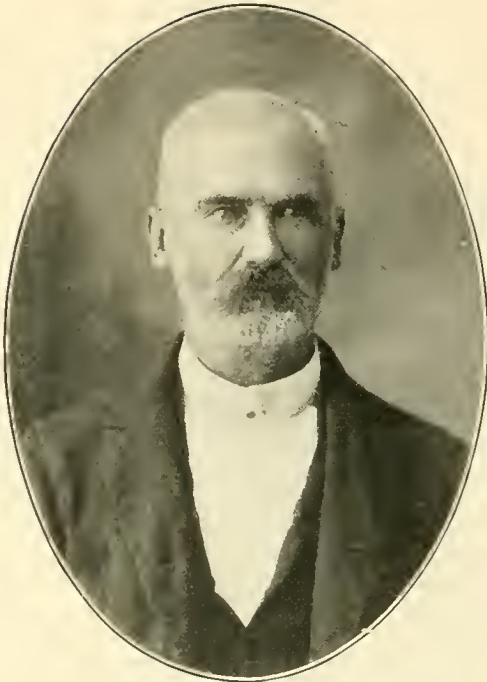
Mr. Pendleton put this severe construction on Black's action:

I will not inquire into the arguments which changed the opinion of the governor, nor into the motives of the change. But having seen what was done, I was not surprised to find the sworn testimony of a witness brought before the committee for cross-examination, showing that this second certificate was issued after the man had ceased to be governor of Nebraska; that it was issued from his private residence, although dated at the executive chamber; that it was issued from Nebraska City, although dated at Omaha; that it was verified by an impression of the seal of the territory, which had been fraudulently taken from a paper on which it had originally been rightly put, in order that it might be more fraudulently put on this false and spurious certificate. . . . The second certificate was issued in face of the only legal count had. I submit to gentlemen whether they ever heard that one member of a court consisting of three could, at his own residence, in his own chamber, of his own motion, review and reverse the decision that had been made by the whole court? And yet that is what the governor of Nebraska attempted to do in this case—no, not the governor, he had ceased to be governor then—but the gentleman who had been governor.

As to the seal placed on the Daily certificate Mr. Voorhees said:

I hold in my hand the certificate brought here by the sitting delegate. It was before the committee. I would submit it to any sworn jury of twelve men whether it does not bear upon its face the evidence of forgery. I will submit it to any fair-minded man in the House whether it is not a forgery, not in the name, but a forgery in the seal. I do not ask you to take my assertion, for I have here the evidence. The paper bears upon itself the evidence that the great seal of the territory of Nebraska has been forged and stuck on with the finger, not by the legal stamp. The paper has not the mark of the iron upon it, which constitutes the seal.

Mr. Dawes himself testified to the culpa-



CHARLES A. SPEICE, COLUMBUS



JOHN CARRIGAN, BLAIR



THOMAS F. HALL, OMAHA



MANLEY ROGERS, FREMONT

bility of Black in giving the second certificate:

I said in the House last July, . . . what I am willing to state anywhere, that after the governor of Nebraska had given one certificate to the now contestant he had no authority to give another.

The hardships and injustice that Morton suffered from Black's fraud upon him were expressed by Voorhees:

By an unjust, certainly by an unreflecting, vote of the House, Mr. Daily was allowed to take his seat as sitting member; and the man who came here with his certificate—as good as yours or mine, or that of any man on this floor—was turned from the bar of the House and compelled to contest his way back to this Hall, or abandon his clear and legal right to a seat. Now, starting with a proposition of this kind, I generally find, in my transactions with men, that nothing fair follows such a beginning. That is my experience.

Not the least source of Morton's mortification and hardship was the fact that the issuing of the second certificate was concealed from him until he went to take his seat at the special session of Congress in July, 1861, eight months after he had received his own certificate and four months after his term of office had begun. Said Mr. Dawes: "The gentleman came here with a certificate from the governor precisely like our own, without any intimation from anybody that he was not entitled to take the seat."

Following is Morton's own account of this part of the case:

On the morning of the 4th of July last I arrived here to take my seat in this House. I had been duly and legally certificated a member of this House. I had no more suspicion or thought that any other person than myself would be sworn in as delegate from Nebraska than you, Mr. Speaker, had that some other person than yourself would be qualified to represent your district from the state of Pennsylvania. . . . Six months or more after the canvassing board had awarded the certificate of election to me, and Governor Black had issued it; three months after the death of Chief Justice Hall, whom the law of the territory made a member of the board of canvassers, and who had acted in that capacity, and concurred in the award of the certificate to me; nearly two months after the

term of my office as delegate in congress began, (that is, after the 4th of March, and ostensibly on the 29th of April, 1861), Samuel W. Black, without notifying the district attorney, without a recount of the votes, without notice to me, without the authority of law or precedent, secretly, fraudulently, and perfidiously issued a pseudo certificate to Mr. Daily, and attempted to revoke mine without notifying me. He did this because he hated, and desired to injure me. It was the vengeance of an assassin and a coward wreaked upon one who had, by loaning him hundreds of dollars, saved himself and family from shame and mortification, saved even their family carriage from public auction at the hands of the sheriff. Mr. Black owed me money, and he became indignant because I, after he had enjoyed for three years the use of a few hundred dollars, which he had borrowed to return in three days, pressed him for payment. He owes that money yet, though I may possibly reach a part of it as follows:

"SHERIFF'S SALE.

"J. STERLING MORTON

vs.

"SAMUEL W. BLACK.

"Notice is hereby given, that by virtue of a special execution to me directed, from the clerk of the district court of Otoe county, Nebraska territory, against the goods, chattels, land, and tenements of Samuel W. Black, defendant, in favor of J. Sterling Morton, plaintiff, I will offer at public sale, to the highest and best bidder on Saturday, the 17th day of May, A. D. 1862, at the hour of ten o'clock, A. M., all the right, title, and interest of the said defendant in and to the following described property, to-wit:

"The north half of the northwest quarter of section thirteen; and the east half of the south half of the southwest quarter of section twelve, township seven, range nine, east; and south half of the northeast quarter of section twenty-six, town seven, range thirteen, east of sixth principal meridian, Otoe county, Nebraska territory.

"Sale to take place on said day in front of the door of the room where the last term of the district court was held in Nebraska City, Otoe county, Nebraska territory.

"Given under my hand, this 11th day of April, A. D. 1862.

"GEORGE W. SROAT,

"*Sheriff of Otoe County, Nebraska Territory.*"

It can not be that the House of Representatives would become the coadjutor of an individual in his pursuit of revenge, and I am

therefore confident that, could I have been allowed time at the beginning of the extra session, I could have prevented the swearing in of Mr. Daily upon his fraudulent certificate, and I might now show that Black's avarice and malice were jointly gratified by the issuance of the second certificate.

Daily admitted that Black had requested him to say nothing about the issuance of the second certificate. "He said he was hounded by this man Morton who had a debt against him upon which he would stop his property and prevent him from going away." But Daily stated further that after he had arrived at Washington, and doubtless filed his own certificate and had his name entered on the roll, he gave the fact out to the newspapers that he had a certificate. Daily's version of the story of obtaining the certificate is as follows:

Governor Black and I, at his solicitation, not mine, went to the city of Omaha—Governor Black's residence was at Nebraska City, fifty miles from Omaha—and there, at the seat of government, Governor Black made out this certificate to me, which I took to my attorney, Judge Conkling, and asked him whether I should accept it or not. He advised me not to accept it. I then went to my other attorney, Mr. Lapp, and asked him. He advised me to accept it, saying that it could do no harm, and perhaps it might do good. He said it was good and right in law. I therefore told Governor Black that I would accept the certificate. Governor Black took the certificate and put it into his pocket and started for home. For some reason, he got off the boat before he got home. In a day or two he came home. I went then to him and asked him for the certificate. He delivered it to me, but said it was so rumpled and such a poor handwrite (being his own hand) that it should be copied, and he gave it to Pentland, his clerk, to copy it. Pentland copied it, gave it to Black, and Black took from his desk a blank seal which had been stamped, and which he had in his house at Nebraska City, and attached it to the certificate, and then gave the certificate to me. He was then still acting governor of Nebraska territory.

In the discussion before the House, at a special session in May, 1862, Richardson strongly urged that a great wrong had been done Morton in allowing Daily to be seated at the last session on his fraudulent certifi-

cate and that the wrong should be righted by acknowledging Morton's *prima facie* right to the seat now; and at the regular session, in a powerful speech, Voorhees took the same ground. But Dawes, while admitting the invalidity of the certificate on which Daily had been seated in July, 1861, had no mind to yield the advantage to a hostile partisan, and insisted that the case should be decided on its merits; and though the time for the regular notice had passed, Morton was permitted to take testimony as contestant. Daily had proceeded to take testimony as contestant after he had obtained the concealed certificate. Morton, however, refused to open up the case extensively at that late day, knowing that if he did so the term would expire before the decision could be reached. The case was heard in May, 1862, at the regular session. The principal effort of Dawes on the part of Daily was to throw out 122 votes from a northern precinct of L'eau-qui-court county, which had been counted for Morton. On this point Mr. Voorhees said:

Well, the sitting delegate has held the seat here for nearly a year, as we have demonstrated, wrongly, and by an invalid title, and a ruse of that kind deceived nobody. His object was to throw open the whole question again, and prolong the controversy, and thus obtain another year's lease upon his mileage and per diem and a seat in this House, upon this paper which should be the object of the scorn and hissing of every honest man within the sound of my voice. The offer was resisted, and General Todd was not allowed to be called as a witness, except upon conditions that would inflict still further wrong.

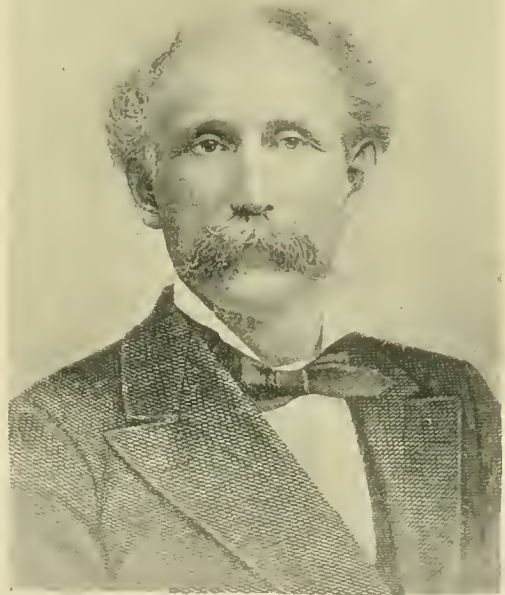
Mr. Voorhees then read an affidavit made by Herman Westermann which recited that he had employed W. W. Waford and Jacob Heck as witnesses on Daily's behalf to prove that the 122 votes in question were fraudulent, and that he had paid Waford \$100 and Heck \$50 for this testimony. Mr. Pendleton argued strongly against throwing out this vote, but Dawes insisted that it had been proved fraudulent and the recommendation of the committee was adopted by a vote of 69 to 48, and Morton lost his seat.

It would be idle to pass positive opinions upon the charges of irregularity and fraud in

the votes of L'eau-qui-court, Buffalo, Pawnee, and Richardson counties under conditions where fraud and irregularity were regular and normal. There was enough taint of fraud and irregularity in Buffalo and L'eau-qui-court to give color to the act of a hostile partisan House in ousting Morton, just as there was enough fraud and irregularity shown in Pawnee and Richardson counties to have justified the House, if it had been democratic instead of republican, in seating Morton. It is doubtful if human skill and judgment, however honest, could ever have arrived at a true solution of this question on its merits. The only safe position to take in the case of almost any election contest in early Nebraska is that of Lord Melbourne, who, disappointed in not receiving the order of the garter, promptly decided that, "There's no damned merit in it." And yet Morton's right to the seat in the first instance was based on grounds so strictly regular and so strong that to deprive him of it was clearly a gross outrage; and the evidence adduced would not have warranted ousting him. In course of the hearing in the House there was much expression of disgust because contests from Nebraska were the regular thing, and Daily made the misstatement that every delegate election since the organization of the territory had been contested. This is not true of the first election. But the perfidy of the second certificate affair is unquestionable, and, considering the general character of Black, inexplicable. Men still living, who were his friends and companions at that time, esteem him as a man of warm and generous impulses and a magnetic and attractive personality, genial and affable towards his friends but bitterly resentful against his enemies. The reply to a charge of the Nebraska City *Press* that the reported vote from L'eau-qui-court county was a "base, palpable, infamous fraud"; that if it was so Governor Black knew it, "and knowing it he is a perjured villain for not refusing the certificate to Morton," was no less unassailable than savage.

By this perfidious, stealthy trick Morton lost his last opportunity to gratify a long cherished ambition to become a member of

Congress; for after that republicanism and then populism became so strong that there was no chance for a democrat as he counted democracy. And yet should it not be counted as fortunate for Morton that fate — or, what was the same thing, his lack of the gift or vice of prudent acquiescence necessary to political success — kept him out of the pitfall of political place? By force of ability and character he constantly maintained a position of great prominence in Nebraska, and in later years



WILLIAM PITT KELLOGG

Third chief justice of Nebraska territory

was a national figure, while many of his successful rivals in politics, that is, in office-getting, lived a brief day of notoriety and then passed into normal insignificance. Mr. Daily, like most men who ventured far upon the uncertain sea of politics at any early age, was prominent for a few years after this contest, and then felt constrained to accept the office of deputy collector of customs at New Orleans, under the notorious ex-chief justice of Nebraska, William Pitt Kellogg, where he died in September, 1864. This Kellogg is now remembered as the famous trainer of the J. Madison Wellses, the Andersons, the Eliza Pinkstons, and other jugglers in the remark-

able feat of "returning" the vote of Louisiana in 1876 so that it should elect the republican presidential electors, and defeat the republican state ticket with 7,000 more votes than the electors; and before he had left Nebraska the *Omaha Republican* had credited him with ample craftiness for this formidable feat. Dundy pursued Morton relentlessly in this campaign, as he had previously promised to do; and while his aid was not necessary to secure the inevitable defeat of Morton, his devotion to Daily laid the foundation for his long career upon the federal bench for the territory and the state. He was the object of much contemptuous animadversion on the part of Morton's champions in the House for the anxious part he took in the contest; and while Morton on the whole controlled his tongue with skilful discretion, yet it seemed as if there was only the more venom to spare for every allusion to his relentless enemy. "Dundy," said he, "is one of the ablest journeymen witnesses in the world and his style, as a practical and pointed evidence-giver, admirable." In another part of his statement of his case to the House, a paragraph given up to Dundy is one of the severest philippics ever spoken.

Daily, while no match for Morton's cultivation and brilliancy, yet conducted his part in the controversy with ability, readiness, and skill, though often provoking laughter by his unlettered manner and method. When Voorhees flayed him for turning on his benefactor, Black, for his copperhead politics, he, in undertaking a retort, remarked: "It is said in the Scripture that,

'While the lamp holds out to burn
The vilest sinner may return.'

And when Lovejoy interjected, "I feel bound to interfere in behalf of Scripture," Daily quickly retorted, "It is a good doctrine and ought to be there if it isn't. I have read Watts and the Bible so much together that I sometimes mistake one for the other."

Mr. Loomis of Connecticut offered a resolution providing for the payment to Mr. Morton of the usual compensation without mileage from July 25, 1861, to May 7, 1862—the period covered by the second trial or contest

on its merits. Mr. Frank of New York objected that the custom of over-liberal allowance for contestants had grown into an abuse; and Mr. McKnight of Pennsylvania said that where the delegate came from a far distant state or territory the mileage was enormous, and a contestant ought to be satisfied with it and not to expect any salary. Inquiry showed that Mr. Morton had already received from the beginning of his term, March 4, 1861, to July 25, 1861, the first session, \$1,180.40 as salary and \$1,508 as mileage—\$2,688.40 in all. After a sharp discussion the resolution passed by a vote of 61 to 58. This second allowance was about \$2,300. During the debate over the merits of the contest Daily had accused Morton of receiving \$300 more in mileage than he himself had received.

It appeared that for this second session Daily had received \$75 less mileage than was paid to Morton for the first session, but Robinson of Illinois accused Daily of deceit and misrepresentation as follows: "He has evidently endeavored to create the impression that he had only drawn the amount of mileage as read at the clerk's desk (for the present session). He drew for the 36th Congress \$2,160 for each session. He now draws \$1,433.60, which the committee on mileage has compelled him to take. At the last session he drew \$2,100 mileage on his own motion." In the course of the debate Daily had charged Morton with "disloyalty," at that time a grievous accusation, and Mr. Blake of Connecticut said, "I have a communication here in which Morton's loyalty is impeached and I want the House to know it," but the House did not receive the communication.

Governor Black's character and fine gentlemanly qualities were highly regarded by his associates, and his part in this transaction is perhaps the old story of the compensating weakness so often associated with strongly developed emotional and sentimental qualities, and which often make their possessors popular and the most successful leaders of the crowd. And perhaps this gallant soldier's seemingly servile acquiescence in Buchanan's subserviency to the destructive madness of the slave oligarchy was due to an overween-

ing or exuberant sense of loyalty which, in a noble cause, inspired him to noble deeds.

Governor Black left the territory May 14, 1862, for his old home, Pittsburgh, Pennsylvania, where he was born in 1818, and on his arrival he raised the Sixty-second regiment of Pennsylvania volunteers. On the 27th of June, 1862, he was killed in the battle at Gaines' Mill while leading his command in a desperate charge. The last letter of public import which he wrote in Nebraska illustrates the grace and eloquence which characterized his utterances. Thought of his tragic but glorious fate, so soon to end his career, lends peculiar interest and pathos to the closing words of this letter written to friends at Nebraska City, where he had resided since coming to Nebraska, declining the invitation to a farewell banquet to be given in his honor:

On the morrow I shall start to Pennsylvania to stand there, as here, very close to the flag that she follows. I think I shall recognize it as the same which has always waved, and always will wave over the heads of her strong and brave battalions. It is a goodly flag to follow, and carries a daily beauty in its folds which makes all others ugly. But forgive me—I have altogether digressed when I meant only to thank you, and say, farewell.

The change of administration in the spring of 1861 was the sunrise of a long day for the republicans, and the sunset which ushered in an equally long night for the antipodal democratic politicians of the territory.

That Nebraska exhibited true western enterprise and contributed her full quota in the appalling siege of Washington for the spoils of office, which was incident to the first advent into power of a great party under our even then colossal spoils system, and had been quick to exact from President Lincoln, as early as March 26, 1861, the removal from office of so ultra-patriotic a soul as Governor Black, we have the testimony of Mr. Thompson, editor of the republican Plattsmouth *Herald*, in a letter to his paper, written from the national capital, February 25, 1861:

Cicero once said that Rome contained all the bilge-water of the ship of state. Washington, at this time, seems like a vast reservoir into which all the political sewers of the

continent are emptying their filth. There are, doubtless, very many great and good men here (besides ourself) — patriots, statesmen, divines — yet, if Gen. Scott's battery of flying artillery were to open a running fire on the crowded thoroughfares of the city to-morrow, we fancy the country would be benefited rather than injured by the indiscriminate massacre of the pestilential crew. . . . W. H. Taylor of Nebraska City is our room-mate. Among the Nebraskans are: Webster, Pad-dock, Hitchcock and Meredith, of Omaha;



SAMUEL W. BLACK

Fourth governor of Nebraska territory May 2, 1859, to May 11, 1861, and associate justice of the supreme court of Nebraska in 1857

Irish, Taylor, Cavins, and one or two others of Nebraska City; Elbert of Plattsmouth; and several whose names we have forgotten, from various parts of the territory.

To which the delighted Nebraska City *News* appends: "Shoot away, General Scott!"

By the middle of June the deposed outs were disposing themselves as follows:

Some of our readers may wish to know where and what the well abused late govern-

ment officials of this territory are doing. Gov. Black is in command of the western division of Pennsylvania troops. He is rampant for the Union.

Secretary Morton, now delegate in Congress, is at present raising corn, cabbage and "some pumpkins" on his farm one mile west of this city.

The talented and facetious Judge Hall, chief justice, is in his grave. (Died at Bellevue, February 13, 1861.) After life's fitful fever, he sleeps well. The judge was learned in the law, and was altogether the wittiest, and raciest on a story of any man in the western country.

Judge Wakeley is still at his post of duty. The man who declared the American Union

with his vigorous pen, on Erie's shores, for the Union in its integrity.

E. A. Des Londes, former receiver in the land office in this city, has an appointment in the Confederate army, and is at the city of Richmond.

Rivalry between republican leaders became intense as high honors and emoluments came within reach; and one faction, including the *Omaha Republican* and the *Nebraska City Press* and W. H. Taylor undertook to read Thayer out of the party; but he has managed to outlive most of his rivals, both politically and physically. Consistency is not a high merit, but only the few distinctively original men will flout it, and only the very strong leaders of men may flout it with impunity. The *Herald*, therefore, paid a compliment to Thayer's superior prudence when it said: "He rides one horse and sits the animal badly."

Alvin Saunders, of Mount Pleasant, Iowa, succeeded Black as governor, May 11th, and Algernon S. Paddock, of Washington county, Nebraska, succeeded J. Sterling Morton as secretary of the territory, May 18th. About the same time William F. Lockwood of Dakota county and of the Elyria, Ohio, trinity — Judge E. Wakeley and Bird B. Chapman being the other two — was appointed judge of the third judicial district, succeeding his former fellow-townsmen who had been reappointed shortly before the close of Buchanan's administration. The democrats being out now, raised the same cry of carpet-bag appointments against the republicans which the latter had dimmed in democratic ears during the whole period of their incumbency, and the disappointed republicans joined lustily in the protest. As Governor Saunders appeared to be only a boarder in the territory for some time after assuming his office, he was sarcastically assigned to the carpet-bag class: "Gov. Saunders, of Mt. Pleasant, Iowa, is in Nebraska on a visit. He arrived at Omaha on last Wednesday."

The outbreak of the Civil war affected Nebraska as a frontier settlement, and notwithstanding that Governor Black was in daily expectation of turning over his office



JAMES WILSON COLEMAN

Soldier and early sheriff of Otoe county, Nebraska

"a failure" has been appointed to succeed him, but we think will not hold court just yet.

Judge Miller is still on duty. A man by the name of Milligan has been appointed in his place, we believe, but will not be apt to officiate right away.

Ex-Marshal Moore is at his home in Kentucky. He is too good a fellow, it seems to us, to be a secessionist, though of his exact position on the great question we are not at present informed.

Andy Hopkins, former register of the land office in this city, is waging a gallant fight

to his successor, he felt that conditions were such as to require him to issue an order for all volunteer military companies to report forthwith—those of the First brigade to Major-General Thayer and those of the Second brigade to Brigadier-General Downs.

It will be seen that the legislative act of 1856 was followed in this order, and that two of the generals elected by the legislature under the act were recognized as still in office, though the original attempt at organization had not been successfully prosecuted. Brigadier-General L. L. Bowen of the Second brigade, or South Platte division, had gone to Colorado where he was an unsuccessful candidate for the legislature in 1861. On the 30th of April, Governor Black issued a proclamation recommending the organization of military companies throughout the territory on account of "the withdrawal of United States troops from some of the forts of Nebraska and the disturbed condition of the country." These companies were not required to report to the regular military organization.

The right view of the case is presented by his excellency in his proclamation. His action had, however, rather been anticipated by the people. Already there are four full companies organized in this city. Omaha, we believe, has an equal number already organized; and the other towns in the territory have generally effected similar organizations. We trust these companies will at once be supplied with arms. We don't believe there will be anybody "hurt" if the territory is armed; but it is best to prepare for war in times of peace. . . . Nebraska is abundantly able to take care of herself, with or without the protection of the administration at Washington.⁴

But on the 28th of the following August this First Nebraska regiment, under the command of Colonel John M. Thayer and Lieutenant-Colonel Hiram P. Downs, left Nebraska for active service in Missouri.

On the 18th Governor Saunders issued the first proclamation for the territory calling for volunteers for the Civil war as follows:

Whereas, The president of the United States has issued a proclamation calling into the service of the United States an additional volunteer force of infantry cavalry to serve

for a period of three years, unless sooner discharged; and the secretary of war having assigned one regiment to the territory of Nebraska, now, therefore, I, Alvin Saunders, governor of Nebraska, do issue this proclamation, and hereby call upon the militia of the territory immediately to form in different companies with a view of entering the service of the United States, under the aforesaid call. Companies, when formed, will proceed to elect a captain and two lieutenants. The number of men required for each company will be made known as soon as the instruc-



NANCY JANE COLEMAN
Wife of James W. Coleman

tions are received from the war department; but it is supposed now that it will not be less than seventy-eight men.

As soon as a company has formed and has elected its officers, the captain will report the same to the adjutant general's office.

Efforts are being made to trample the Stars and Stripes, the emblem of our liberties, in the dust. Traitors are in the land busily engaged in trying to overthrow the government of the United States, and information has been received that the same traitors are endeavoring to incite an invasion of our frontier by a savage foe. In view of these facts I invoke the aid of every lover of his coun-

⁴ Nebraska City News, May 11, 1861.

try and his home to come promptly forward to sustain and protect the same.

Done at Omaha, this 18th day of May, A. D. 1861.

ALVIN SAUNDERS.

It was thought improbable that troops would be ordered from this sparsely settled, unprotected frontier for active service in the East, especially when there were thousands of men already refused by the government; but it was deemed probable that the design was to garrison the forts from which the United States troops had been withdrawn. "This territory cannot well spare 1,000 troops, coming as they would from the productive classes, mechanics and men who work for a living." The still straitened condition of territorial affairs is reflected by a "military gentleman" thus:

Our military organization is a most difficult question. Were there now a sudden emergency demanding the transportation of a few hundred men any material distance north, south or west, I do not believe that we could procure on the credit of the territory the horses, wagons, provisions and ammunition that would be necessary for the purpose, much less to supply them for many days in the field.

So heavy are our taxes pressing upon the people that I do not suppose that anyone would for a moment contemplate increasing them; while to effect anything for military purposes would be to demand a very large increase.

We cannot anticipate our future resources. A very slight increase of our debt would prostrate our credit utterly; our territorial warrants would be worthless, and bonds could not be sold, I fear, at any price.

The present harvest has just shown us that there are scarcely hands enough, even with the aid of machinery, to secure our crops. Yet if we can do anything it will be to spare the men, provided their families are supported—in other words that they are paid.

If the U. S. Government would arm, equip, subsist and pay a proper number of men to be placed, say 300 at Fort Kearney to move along our frontier, 100 at Brownville or some point in that vicinity, and 100 up toward L'Eau Qui Court, they would constitute a sufficient guard for the present, and with an efficient organization of our militia could be re-enforced, whenever required.

But the U. S. must foot the bill—we are, I conceive, utterly unable to do it.⁵

The anxieties and terrors of the Civil war for a time subdued the petty feelings and strifes of partisanship, and it was announced that "the republican and democratic central committees which recently convened at Omaha, after full consideration very wisely determined upon the inexpediency of drawing party lines this fall." There was a prevailing sentiment that there were no party questions, only the question of loyalty or disloyalty to the Union. William E. Harvey, a democrat, was elected auditor over Stephen D. Bangs, a republican, and Augustus Kountze was elected treasurer without opposition. The call to arms made many vacancies in the council, and William F. Sapp of Douglas county was elected to fill the vacancy caused by the resignation of John M. Thayer; C. Blanchard of Sarpy, in place of Silas A. Strickland; John McPherson from Nemaha and Johnson, in place of Thomas W. Tipton, and Samuel M. Kirkpatrick from Cass, Dodge, and Otoe, in place of Samuel H. Elbert. The other nine members held over from the previous session.

The eighth session of the general assembly opened December 2, 1861. John Taffe, republican, of Dakota county, was chosen president of the council, receiving seven votes, his democratic opponent, David D. Belden of Douglas, receiving four votes. Robert W. Furnas of Nemaha county was elected chief clerk. Party lines were not drawn in the choice of speaker of the house, and Alfred D. Jones of Douglas county, was chosen on the sixth ballot, receiving thirty-one votes against five for Milton W. Reynolds of Otoe and one for Barnabas Bates of Dakota. George L. Seybolt of Cass county was elected chief clerk. Among the names of other officers of the house familiar to present citizens of Nebraska are those of Isham Reavis of Richardson, enrolling clerk, and Joseph J. Imhoff of Otoe county, fireman. Turner M. Marquett was the youngest member of the council and Robert M. Hagaman, who, as county clerk of L'eau-qui-court county, laid the foundation for keeping J. Sterling Morton out of the Congress of the United States by rejecting the

⁵ Nebraska Advertiser, October 3, 1861.

election returns from the northern precinct of that county in 1860, was, it was said, the youngest and also the handsomest member of the house. John Taffe of Dakota county, president of the council, and subsequently delegate to Congress, and an Omaha journalist, was a native of Indiana and thirty-three years of age. "While there was at least an equal amount of assembled talent; a greater degree of sobriety and 'good looks'; more sociability and general good feeling . . . we are constrained to assert that we witnessed at no previous session such an exhibition and exercise of downright contrariness."⁶ For the first time in the history of the territory the republicans were in the saddle in both the executive and legislative departments. And such were the impetus and the inertia of the Union sentiment and the cohesive power of the passions and spoils of war, that, no matter what the shortcomings or the trespasses of this war party, it could not be unhorsed for a quarter of a century to come.

Governor Saunders in his message reiterated the oft-told tale of the providential preparation of the Platte valley for a railway to the Pacific, and added that "the intelligent and far-seeing telegraph company have made this discovery already, and have located their Pacific line and staked out the very route where they expect soon to be followed by this great highway of commerce." He states that the valuable salt springs of Saline and Lancaster counties, with the adjacent lands, have been reserved from sale by the general government, and recommends that Congress be memorialized to place these lands under the control of the legislature, or that Congress pass some law authorizing the springs to be worked under the control of the government. He states further that the secretary of the interior has recently decided that school lands may be leased for the support of the public schools, and advises legislation to that end, in case the legislature is of the opinion that a revenue might be derived from them. It appears from the report of the auditor that the indebtedness of the territory has now reached \$50,342.98, represented by \$16,000 in bonds and \$34,342.98 in warrants. The governor

points out that the capitol is still uncompleted and that neither legislative hall is ready for use, and recommends that the legislature ask Congress for an appropriation sufficient to fit the legislative halls for occupancy. The governor informs the legislature that "experience has shown that an agricultural community cannot prosper without a safe medium of exchange," and without stopping to elucidate the rather remarkable economic implica-



BRUNO TZCHUCK
Pioneer of Sarpy county, secretary of state, and acting governor of Nebraska

tion that other than agricultural communities might thrive on an unsafe medium of exchange, he soundly advises that "nothing but gold and silver, and the paper of well-guarded and strictly specie-paying banks should be tolerated," — in an agricultural community.

The auditor points out that because warrants draw ten per cent interest and bonds only seven, many prefer the warrants; and

⁶ *Nebraska Advertiser*, January 23, 1862.



J. P. Becker

[NOTE — J. P. Becker was an early Nebraska miller in Colfax county]

yet the latter are worth only thirty-five or forty cents on the dollar. This officer reminds the legislature that he has often urged the passing of regular appropriation bills specifying certain sums for particular purposes, and he again presses his recommendation so as to form some check upon the issue of warrants.

The legislation of this session consisted of sundry amendments to the codes and to other general laws. The other enactments comprised the repeal of that part of the refunding law limiting its application to warrants presented on or before December 1, 1861; an act assigning the new republican judges appointed by President Lincoln to the several districts—Chief Justice William Pitt Kellogg to the first, Associate Justice Streeter to the second, and Associate Justice Lockwood to the third; an act providing that property to the value of one hundred dollars belonging to any person who should maintain an acre of grapes in a good state of cultivation and in a single tract, should be exempt from taxation, and for an exemption of a valuation of fifty dollars for each additional acre of grapes; an act attaching all territory lying west of the first guide meridian to the first judicial district; an act to encourage the growth of wool; and an act to resurvey the saline lands in Lancaster county. The law to encourage the growth of sheep was as follows: "All sheep not to exceed five hundred in number are hereby exempted from forced sale on execution and taxation." How this gracious concession was to be distributed among the various sheep owners if there should happen to be more than five hundred of the favored animals in the territory is left to conjecture after the fashion of so much of the territorial legislation. The preamble of the law for the resurvey of saline lands recited that "certain lands in the southern portion of Lancaster county, known to be the richest saline lands perhaps in the world, have been entered at the United States land office in Nebraska City by private individuals by virtue of a conspiracy with the United States surveyor," and that the general land office had recalled the patents for these lands and ordered an investigation.

The counties of Buffalo, Hall, Kearney, and Lincoln were constituted a new representative district; the territory known as Jones county was attached to Gage for the purpose of taxation. The name of Green county was changed to Seward, and Calhoun to Saunders. The first organization of Holt county was legalized and also the acts of the county commissioners of Platte and L'eau-qui-court in 1861. Gage and Jones counties were attached to the council district of Richardson and Pawnee, and that part of Polk county north of the Platte river was joined to Platte county for election, judicial, and revenue purposes.

Two sets of resolutions favoring the prosecution of the war for the Union were adopted by the house on motion of Reynolds, democrat, of Otoe county. A joint resolution was adopted requesting the secretary of war to station two companies of federal soldiers on the Missouri border to protect loyal citizens from depredations of "secessionists and traitors in Missouri, and of those residing in their own midst." During the months of January and February, 1862, great excitement was caused in the southeastern counties by lawless acts of jayhawkers. Though there was an inclination in the North Platte section to belittle these disturbances, Governor Saunders issued the following proclamation:

Whereas, It has been represented by many good and loyal citizens of this territory, that lawless bands of armed men, styling themselves "Jayhawkers," are committing depredations in the southern portion of the territory—stealing horses, robbing stores and houses, and threatening the lives of many of our citizens.

Now therefore, I, Alvin Saunders, governor of the territory of Nebraska, do hereby command all bands or companies of men, leagued together for the purpose aforesaid, or for other unlawful purposes, within this territory, to immediately disband and return to their homes, or at least to leave the territory; and in case they, or any other parties are hereafter found within the limits of the territory engaged in acts of robbery, or in any way disturbing the peace of our citizens, all the powers of the territory both civil and military, will be brought to bear against them, and if taken such severe punishment as justice de-

mands will be executed without fear or favor.

Given under my hand and the great seal of the territory, at Omaha, this 2d day of January, A. D. 1862.

By the governor,

ALVIN SAUNDERS. [L. S.]

Algernon S. Paddock,

Secretary of the territory.

The press was crowded with communications discussing the subject, which show that the settlers were between the fires of alleged union, as well as secessionist lawbreakers. A part of one of these communications reveals the conditions:

Pawnee says we are between two fires — that of secessionists and union jayhawkers! Well, I think we can stand all such fires. We are able to put down jayhawking, and if Secesh shows his head on this side of the river, we will put him down too . . . I would inform Pawnee that those self-styled union jayhawkers have deceived a great many good people. They have made them believe that they were only stealing from rebels, which is not the fact.

A league of citizens was formed at Nebraska City for protection against these marauders, and over two hundred citizens, members of the league and divided between the two political parties, signed the following oath:

I solemnly swear that I will bear true allegiance to the United States, and support and sustain the constitution and laws thereof, that I will maintain the national sovereignty, paramount to that of all states, county or confederate powers, that I will discourage, discountenance, and forever oppose secession, rebellion and disintegration of the federal union, that I disdain and denounce all faith and fellowship with the so-called confederate armies, and pledge my honor, my property and my life to the sacred performance of this my solemn oath of allegiance to the government of the United States of America. We further pledge our lives, our property and our honor, to protect each and every member of this league in person and property, from all lawless marauders.

Two alleged jayhawkers, arrested in Johnson county, were brought to Nebraska City, where one was shoved under the ice of the frozen Missouri river, and the other was released and then followed and shot dead. The local journal virtuously denounces these acts

as murders and then virtually upholds them in the following whimsical style:

Catch a jayhawker or anybody else in the act of stealing your horse, shoot or hang him with all convenient dispatch; but don't do it unless you are sure, beyond peradventure of a doubt; your own or the belief of any other man, is not sufficient warrant to take the life in punishment of any person, no matter how much against him public opinion or appearances may be. Every scoundrel has a right to his life, until well-known and proven facts show that he deserves to lose it. And then, if life is to be taken, let it be done openly, in daylight, by some one having authority — a committee appointed by a public meeting. Executioners so authorized, and doing such a duty, need not be troubled about their responsibility — for that rests with the people — and if the people, in pursuing such a course, act dispassionately and upon direct proof, they will be able to bear the brunt of all blame.

But don't let us have any more persons — jayhawkers, and horse-thieves included — chucked under the ice. It is murderous, unwarrantable, and very cold.

But that cold-blooded tragedy was the culmination of the era of lawlessness, and soon after it was announced that "jayhawking is about played out in Kansas and Nebraska," General Hunter "having taken decided steps in his department."

The Bellevue palliative — a memorial for a \$40,000 penitentiary to be located there — was repeated. On the breaking out of the Civil war the Indians were quick to see their opportunity for mischief, and the legislature asked Congress to authorize the governor to raise five companies of soldiers, to be paid and equipped by the United States, for protection against "the various tribes of Indians whose propensities to molest and destroy have been increased by reason of neglect on the part of incompetent and, in instances, traitorous agents, who have heretofore had charge of them." The memorial recited that the territory was without arms for defense against this danger or the means to buy them.

An attempt was made at this session to pass an apportionment bill on the basis of the last vote for delegate for Congress, and later, when the result of the United States census

became known, on the population as therein determined; but North Platte interests were able to defeat the measure. There was bitter complaint of the inequity of existing representation in the legislature. According to the census the North Platte section contained only 8,478 people against 18,031 in the South Platte; and by distributing the population of the frontier districts between the two sections partisans of the southern section counted 10,824 for the North Platte and 18,012 for the South Platte, a difference of 7,188. This controversy showed that there had been no real abatement of the sectional spirit:

There is no avoiding a sectional contest for congress next fall. Let South Platte stand by her own men, and if we have a session of the legislature next winter, let the members of the same south of the Platte elect as officers her own men. This is the doctrine. . . . Omaha is a great place, but her greatness consists in selfishness and concentrated meanness.

The territorial conventions of both political parties met at Omaha on the 20th of September. There had been much profession on both sides of a desire to ignore partisanship in the nominations and strike a single war and union key-note; and even the nomination of the same candidate by both conventions was advocated. In the Republican convention there was a fierce contest for the nomination for delegate to Congress, and Mr. Daily did not succeed in winning it until the forty-fifth ballot. His contestants were Dr. Gilbert C. Monell of Douglas county, John Taffe of Dakota county, and William H. Taylor of Otoe county.

John Q. Goss, who recently died at Bellevue, where he was then living, was president of the democratic convention, and J. M. Woolworth, chairman of the committee on resolutions, lived until a few years since at Omaha, where he then resided. The platform adopted by the convention is doubly interesting as indicative of the sentiment of the democrats in those early days of the Civil war, and as the product of a man who was to become an eminent lawyer and citizen of the state.

The sentiment of the convention was decidedly in favor of nominating J. F. Kinney

as candidate for delegate to Congress; but A. J. Poppleton hotly opposed Kinney, charging him with recreancy to the Democratic party in retaining the office of territorial judge in Utah under the Republican administration, and that he was a non-resident. Kinney kept himself well in hand, and made a judicious speech, insisting that he had not lost his residence in Nebraska, that his family were still living at Nebraska City, and that it was no offense to continue to hold the office in question, especially since he had gone to Washington and offered his resignation to President Lincoln, who persistently refused to accept it. On the first regular ballot Judge Kinney received all the votes of the convention except the ten from Nemaha county, which were cast for Mr. Poppleton.

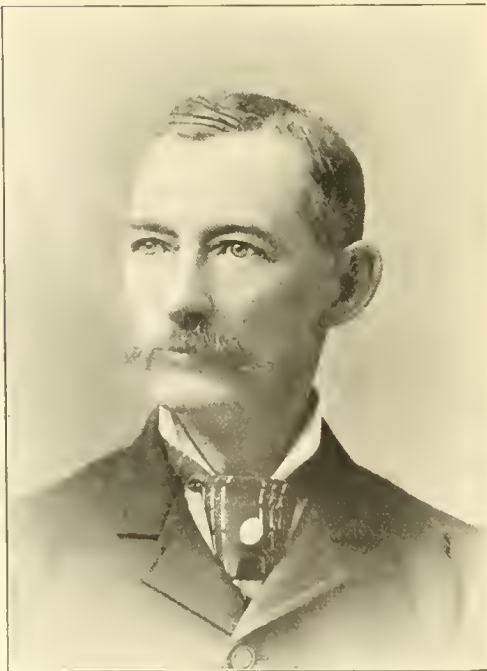
We have other testimony that the resolution complimentary to Colonel Thayer, which it is said in the proceedings of the convention was rejected, was in fact adopted by that body, and the republican convention held the same day passed a similar resolution. The contest in the convention was the old Omaha fight over again. The Douglas delegation had seceded when they found that Poppleton's nomination for delegate to Congress was impossible, and the *Nebraskian*, the Omaha democratic organ, opposed Kinney, a resident of the hated Otoe county, on the ground that Daily was more satisfactory to Omaha. A. J. Hanscom, "formerly a democrat, and one of the big guns of Douglas county," was quoted as saying that he was "an Omaha man and nothing else," that he "went only for Omaha in this campaign," and supported Daily "because he has pledged himself to work for Omaha." Like the blind or the deaf, whose other senses, by reason of the defect, become the more acute, so Daily, unlettered in all other respects, was almost superfluously schooled in the devious arts of practical politics. In his campaign against Morton—the original leader and consummate partisan of the South Platte—he had been able to persuade the democratic organ of southeast Nebraska, the *Advertiser*, to his support on the ostensible ground of standing for South Platte interests; and now, discerning that he



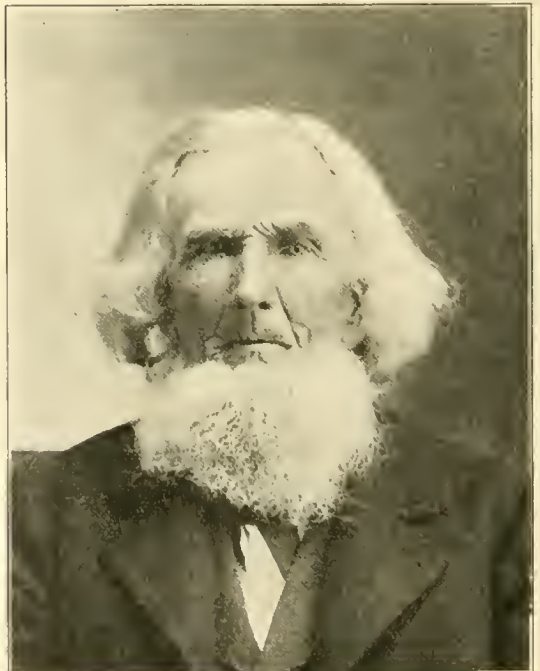
COLONEL GEORGE ARMSTRONG
Omaha pioneer



MRS. JULIA EWING ARMSTRONG
Wife of Colonel Armstrong



ROLLIN M. ROLFE
Pioneer of Otoe county



NEDOM B. WHITFIELD
Pioneer of Nemaha county

had become in some sort shelf-worn in his home district, and the election returns from the leading South Platte counties confirmed the clearness of his vision, he gained an offset by cajolery of the North Platte. Specification as to Daily's new alliance with the North Platte were furnished:

When we heard three weeks ago that the Pacific railroad bill, (in which a point at or near the mouth of the Platte river was named as the initial of a branch through the territory), had passed the House, we said we wanted the bill to become a law whether we got a branch South of the Platte or not. This was upon the understanding that southern Nebraska was to have an equal chance in the selection of the route, with North Platte. . . .

But it seems that we are to have no showing at all. The two incorporators to represent Nebraska in the organization of the company are two of the bitterest North Platte men who could have been named — Dr. Monell and A. Kountze — both of them residents and property holders in Omaha and speculators in the paper towns along the North Platte route to the mountains. Northern Nebraska with 9,000 residents, taxable property amounting to only \$3,000,000, and capacity for a population all told, of less than 400,000, has two incorporators; while southern Nebraska with a population of over 19,000, taxable property of nearly \$5,000,000, and a capacity of sustaining upwards of 1,000,000 men, women and children, is to have no voice in the organization of the company. . . .

When "Skisms" wrote a letter, dated the 17th of September, 1860, pledging himself to procure an appropriation of land from congress to build a railroad west from Brownville, he did so with a view to securing the vote of Nemaha county. That letter was intended for Nemaha county circulation, and he got the vote. He made similar secret pledges in Cass and Otoe counties. Hon. William H. Taylor, and the rest of his stump-speakers, endorsed them — promising all things in his name. In these three counties Daily got majorities.

Now what does he do? He not only violates every pledge he then made; but his own personal vanity assuring him that he owns South Platte, by giving the "Omaha clique" the whole voice in the preliminary organization and location of the Pacific railroad connection through the territory.

Notwithstanding that the opposition showed

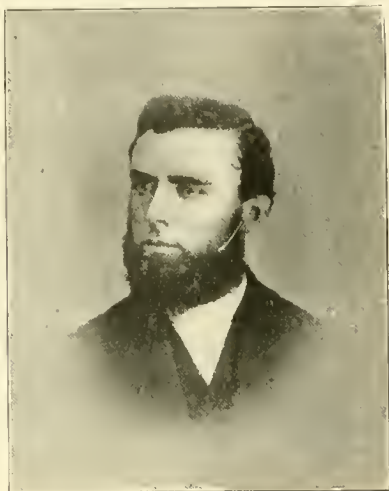
that Daily had not, during three sessions, obtained a single appropriation for public works in the territory, and had purposely, it was charged, failed to obtain an appropriation for finishing the capitol which was "going to ruin" through neglect, and the fact that W. H. Taylor and O. P. Mason, the two leading republicans of Otoe county, opposed him, his superior campaigning qualities pulled him through with a majority of 136. Daily had, and doubtless deserved the reputation for being the best campaigner, among republicans at least, in the territory, and this year his strident and magnetic denunciation against "this yer slave oligarchy" was particularly effective. There was the usual charge of frauds in the elections in Richardson county; and of Falls City, home of Dundy, Daily's political manager, and whence he was to emerge presently, through Daily's reciprocal favor, as associate justice of the supreme court. The *News* said:

Falls City is the headquarters of the Daily clique in the territory, and we were prepared for gross illegality, but we confess not to the extent that present reports indicate. The ninth month regiment has figured prominently in the campaign, government officers promising democrats positions if they would support Daily. We doubt not at least one hundred men have been subsidized by assurances of the appointment of colonel of the regiment.

But for the first time since the first election in 1854 the contest was not carried to Washington.

The direct or war tax of \$19,312 levied upon the territory by the federal government in 1861, modest as the sum seems in the eyes of the children of the squatters, was a cause of great solicitude to them in their still impecunious condition. At the urgent request of the people, preferred in various ways, Congress credited the territory with this tax in lieu of the usual appropriation of \$20,000 for the expenses of the legislative session. There was accordingly no session in 1863, though there had been no authoritative expression of public sentiment on the subject, and members were chosen generally at the fall election. Omaha was of course loth to forego the financial and other profits of a legislative session, but the *Republican* was the only newspaper

in the territory which did not advocate its omission. It seems odd to people of the present day that but a generation ago it was deemed a hardship or sacrifice to forego a session of the legislature, especially as in the meantime annual sessions have been generally



WILLIAM HARTFORD JAMES
Second governor of the state of Nebraska

discarded by the public judgment, and even biennial meetings are by no means in high favor. William E. Harvey, democrat, was reelected auditor; and Augustus Kountze, "a conservative republican," was elected treasurer

of the territory in 1863. The *Nebraskian* announced the candidacy of both without nomination by a convention.

In the meantime the grim business of war had taken the place of partisan politics, largely, in the public mind. There was much solicitude and controversy as to the ability of the territory to defend itself against border ruffianism on the south and Indian depredations along the whole western border, and strong opposition to sending the First regiment out of the territory. The resignation of Lieutenant-Colonel Downs of the First regiment is explained on such grounds:

When the regiment was organized it was upon the distinct understanding, expressed in a letter from Mr. Secretary Cameron, that it was not to be ordered out of the territory. Many of the officers and men repaired to the rendezvous, leaving their private business unsettled. When the order came to go to Missouri, an order obtained mainly through the anxiety of Col. Thayer to show himself, Lieut. Col. Downs (brigadier general under the volunteer organization act of 1856) went with the first battalion, and he did not even have time to visit his family.

Constant depredations soon vindicated this fear and protest; and in the summer of 1864 the regiment was sent back to Nebraska for service against the Indians.

CHAPTER XV

NINTH LEGISLATURE — CONSTITUTIONAL CONVENTION, 1864 — POLITICAL CONVENTIONS, 1864 — TENTH LEGISLATURE — REAPPOINTMENT OF GOVERNOR SAUNDERS — POLITICS IN 1865 — ELEVENTH LEGISLATURE — THE FIRST STATE CONSTITUTION

THE ninth session of the legislative assembly began January 7, 1864. The apportionment remained unchanged, and it had grown outrageously inequitable and at the expense of the South Platte. The *Advertiser* had groaned under the inequality in 1863, and the *News* insisted that Governor Saunders possessed and should exercise the authority to reapportion the legislative districts. Notwithstanding that irregularity of procedure was still common, the governor, whose capital residence was in the North Platte country, would have no mind to attempt to override the apportionment made by the legislature, clearly under the exclusive power conferred by the organic act, even in so clear a case of misrepresentation.

Allen of Washington county was elected president of the council, receiving nine votes against two for Marquett of Cass county; and the disposition of the legislature to avoid drawing party lines was shown in the unanimous election of George B. Lake of Douglas county for speaker of the house.

After a tribute to the soldiers, who were now first in the thought of the politician as well as the patriot, the governor's message hastens to get out of tune with the non-partisan votes of the territorial press and platforms by taking partisan credit for the passage of the homestead law:

You had repeatedly memorialized congress on this subject without avail. In fact, its success, though so just to the settler and so wise as a measure of national policy, seemed hopeless while the reins of government were held by such men as controlled the administration, preceding the inauguration of our present

chief magistrate. The honor of the prompt passage of this great measure is due to President Lincoln and his political friends in congress. I deem it but just that we who are so deeply interested in, and so largely benefited by the success of this measure, should obey the injunction of the sacred writer by rendering "honor to those to whom honor is due."¹

It is true that there had been opposition to homestead bills under democratic administration on the part of slaveholders, jealous of the growth of the unfriendly Northwest; but others, on conservative grounds, had hesitated to at once espouse this new and radical measure, and the sentiment in its favor had been of gradual growth. Today the wisdom of the law, as it has been administered, is questioned by many wise men, just as the unguarded land subsidies to railway companies have been condemned. Even the governor's high imaginings are inspired to an unwonted loftiness of flight in contemplation of this gift of empire without money and without price. "What a blessing this wise and humane legislation will bring to many a poor but honest and industrious family!" And there is a realism, too, in the executive sentimentality which Zola himself might have emulated. "The very thought to such people that they can now have a tract of land that they can call their own has a soul-inspiring effect upon them and makes them feel thankful that their lots [*sic*] have been cast under a government that is so liberal to its people."

The message takes credit and foresees great gain and glory for Nebraska on account of the passage of the Pacific railway bill.

In accordance with your memorial on the

¹ *House Journal*, 9th ter. sess., p. 12.



N. S. Harding.

[NOTE — N. S. Harding was an early merchant at Nebraska City and a member of the state legislature]

subject, congress also passed a bill, at the first regular session after the inauguration of the present administration, providing for the construction of the great Pacific railway, commencing on the 100th meridian, within the territory of Nebraska, thence westwardly to the Pacific coast, with three branches from the place of beginning eastward to the Missouri river. One of these branch roads diverges southeasterly to the mouth of the Kansas river, in the state of Kansas, and also forming a connection with the Hannibal & St. Joseph railroad at Atchison; and the other two branches, so called, stretch across our territory — one terminating at the capital of your territory, and the other opposite Sioux City — thus forming a connection at all three points with some of the best roads of the northwest. With these magnificent works successfully prosecuted, connecting directly with the great cities of the Atlantic and Pacific, with the advantages of the homestead, of a virgin and fertile soil, of exhaustless salt springs, with a climate as salubrious as exists in the world — none can hesitate to predict for Nebraska gigantic strides in the attainment of wealth and power.²

The message discloses that the indebtedness of the territory has now reached \$59,893, and the auditor's report shows that it is chiefly represented by bonds to the amount of \$31,225, and warrants, \$17,869.54. The message calculates that the debt of the territory is less by \$18,162.82 than it was two years before, but the result is reached by rather optimistic and original figuring. The resources counted to offset the debt consist of the uncollected levy of 1863, \$17,330.23, of \$4,407.76 in the hands of the treasurer — by the auditor's account — and the eternal bugbear of delinquent taxes, making a total of \$41,829.59, which, deducted from the debt of \$59,893, leaves, by the governor's optimistic arithmetic, an indebtedness of only \$18,063.41 — or a decrease since the end of 1861 of \$18,162.82, as above. Stating the problem another way, it appears that the indebtedness two years ago was \$50,399.24, whereas now it is \$59,893, an increase of \$9,493.76; but as the amount of taxes not collected by the territorial treasurer two years before was \$13,173.01 against \$37,421.83 at this time, there is at least a nominal reduction as stated above. Moreover, there is a com-

paratively large balance of \$5,375.48 in the hands of the territorial treasurer, and, the message tells us, warrants have risen to eighty or ninety cents on the dollar, from thirty-three to forty cents two years before.

Notwithstanding that there had been a ruling by the federal authorities that school lands might be leased, but not sold, for the benefit of the school fund, the message complains that still "we must rely entirely on taxation or voluntary subscription for the education of our youths." In brief, the most palpable fact in the reports of the officers is that



BENJAMIN E. B. KENNEDY
One time mayor of Omaha

poverty is still prevalent in the territory, and that partially on this account, and for the rest on account of inefficient organization, taxes cannot be collected with reasonable certainty or dispatch. The much used arguments in favor of statehood are repeated in the message, and the annual appeal for a penitentiary memorial to Congress shows its familiar face. The condition of the laws of the territory is set forth as follows:

There seems to be a very general desire on the part of the citizens of the territory to have a general revision and codification of our laws, and to have all the laws that are now in force in the territory, together with all that may be passed at your session, bound in one volume. The present laws are made up from acts that extend through the whole of the eight sessions that have been held in the ter-

² *House Journal*, 9th ter sess., p. 13.

ritory, and so many amendments and alterations to our laws have been made during that time that it is with difficulty that persons who are not professionally engaged in the business can find out what the existing laws are.³

There was another attempt at this session to devise a practicable revenue law, and again an improvement of the election laws was attempted. General incorporation acts were passed, but they were not exclusive. Benjamin E. B. Kennedy of Douglas county, chairman of the judiciary committee of the house, reported "as to the propriety of passing an act prohibiting the legislative assembly from passing any local or special laws therein enumerated," that the organic act, "which is our constitution," recognized the right to pass special acts, and it would be impracticable to prohibit it; and while it would be commendable to discourage useless and unnecessary legislation, "yet it can scarcely be conceived that meritorious cases may not claim our serious consideration." So it was left to the state constitution to close the gates against this vicious flood of special legislation. The judiciary committee reported also that while they conceded "that great convenience would result from an adequate revision of our laws," yet, "with the debt-doomed treasury, and no guaranty that the federal government would meet the necessary expenses, your committee do not feel justified to recommend it."

By the apportionment law of this session representation from the North Platte section was reduced from seven to six members in the council, and from nineteen to sixteen in the house. This arrangement did not allow all the South Platte was entitled to but, though in adjusting it the old sectional interests again came into collision, the contest was less bitter and the sectional lines less sharply drawn than usual. On a full vote the North Platte had at this time a majority of one in the council and the South Platte a like majority in the house. The council forced its amendment of the apportionment of the members of the house on that body, while the house accepted from the council its apportionment bill without attempting to change it; and yet the South Platte members of the council indicated their satis-

faction with the apportionment for that body by voting against the amendment proposed and carried by the North Platte to limit the application of the bill to the next legislature. The laws for the encouragement of the growth of fruit, forest, and ornamental trees and grapes were changed so as to provide that their cultivation should not be held to increase the value of land for revenue purposes; and the unsuccessful attempt to pass an act for the encouragement of sheep-raising at the last session was carried out. Clay county was disposed of by attaching its north half to Lancaster and its south half to Gage. The organization of Lancaster was legalized and the officers chosen at the last election declared to be the legal officers; the county was detached from Cass, as to judicial purposes; and "the county of Seward and the counties westward" were attached to Lancaster for judicial purposes.

In 1860 an act was passed authorizing the auditor of the territory to sell, for the benefit of the school fund, a large amount of cast iron which composed columns intended for the capitol, but which could not be used on account of the lack of money to carry out the original plans for the building. The sum of \$971.78 was realized from the sale, but the secretary of the territory made demand on the auditor for the money, on the ground that it was part of the funds of the general government for the completion of the capitol. This legislature accordingly authorized the auditor to turn the money over to the secretary. In view of the fact that the city of Omaha had invested more in the capitol than the amount of the federal appropriation, this action was rubbing in the close dealing of the federal father with his impecunious territorial wards.

There was little manifestation of partisanship in this legislature, though the ambitious leaders on the republican side were apt in pushing resolutions in approval of the national administration. A joint resolution by Marquett extending thanks to the Nebraska soldiers in the field passed without opposition, and the measure enabling them to vote, also introduced by Marquett, met with general

³ *House Journal*, 9th ter. sess., p. 20.

support; Marquett and Little—republican and democrat—agreed in reporting it from their committee, and the vote of only one councilman—Campbell of Otoe county—was recorded against it. Marquett also pressed a joint resolution favoring Lincoln and Andrew Johnson for nomination as president and vice president, which Mason unsuccessfully tried to sidetrack by a motion to refer to the committee on agriculture; but it was passed by a party vote. A joint resolution approving the Emancipation Proclamation and the general policy of President Lincoln's administration, including especially the arming of negroes and the amnesty proclamation, passed the council by a vote of 8 to 3, and the house by 29 to 5.

The memorial to Congress praying for appropriate legislation for the admission of the territory as a state passed the council promptly and without division, but in the thirty-five votes recorded in the house the opposition counted eleven, and they were about evenly divided between republicans and democrats. The attitude of the democrats toward the war at this time was indicated by a substitute offered by Kennedy of Omaha for resolutions "on the state of the Union." Mr. Kennedy's resolutions declared in favor of the vigorous prosecution of the war, but also that its "only object should be to put down the wicked rebellion," and that, "in the patriotic language of the immortal Crittenden, the war ought not to be waged on our part for any purposes of conquest or subjugation, or purposes of overthrowing or interfering with the rights or established institutions of those states, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and the rights of the several states unimpaired; and as soon as these objects are accomplished the war ought to cease." This substitute was of course defeated, but it received nine democratic votes out of the total vote of thirty-seven on the question. The extreme bitterness of feeling of certain prominent republicans of the South Platte toward the dominant D's—Daily and Dundy—was indicated by the following reso-

lution introduced in the council by Oliver P. Mason of Otoe county:

Whereas, A petition has been circulated for the signatures of members of the council and house of representatives requesting the Senate of the United States to confirm Elmer S. Dundy as associate justice of the supreme court of the territory of Nebraska; therefore,

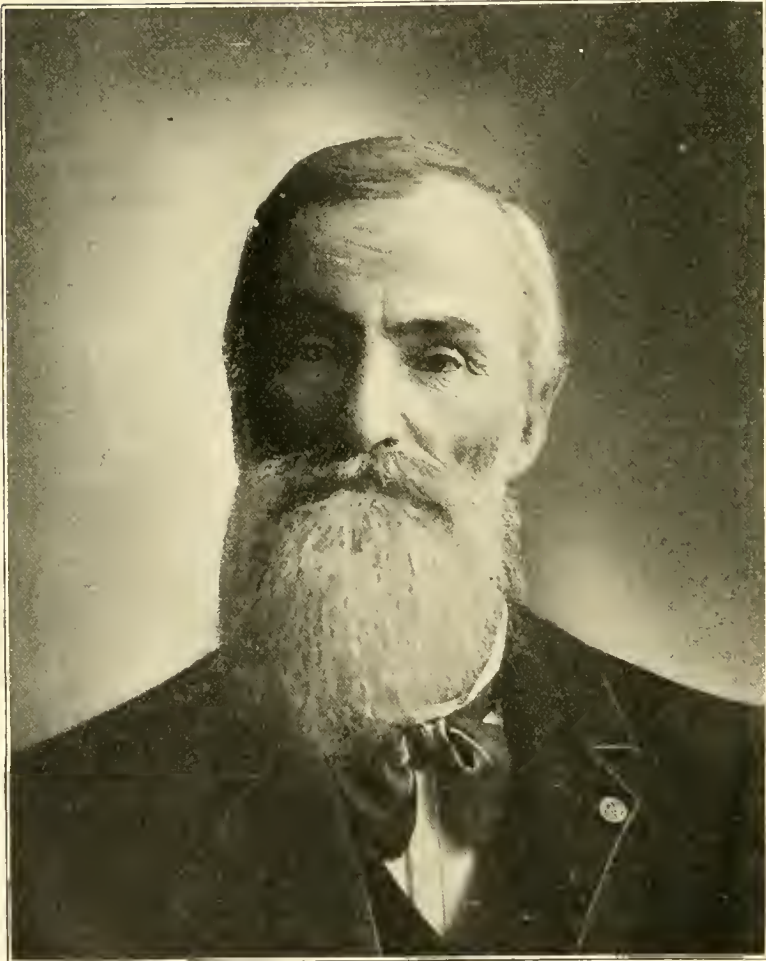
Resolved By the council of the territory of Nebraska, that E. S. Dundy ought not to be confirmed as associate justice of the supreme court of the territory of Nebraska.

The resolution was called up the day after its introduction and laid over under the rules, but it was never pressed to a vote.

In quick response to the memorial of the legislature an enabling act was passed by Congress and approved April 19, 1864. This act authorized the governor of the territory to order an election of members of a constitutional convention, the election to be held on the 6th of the following June and the convention on the 4th of July. The number of members of the convention was to be "the same as now constitute both branches of the legislature."

Pro-state sentiment was strong enough in Omaha to defeat the regular ticket for delegates to the constitutional convention headed by Dr. Miller, and to elect a set of pro-state delegates headed by Hadley D. Johnson. But Omaha interests preferred the territorial status rather than to run risks of capital removal which any change would involve; and at the election, while all the rest of the North Platte counties voted for statehood, Douglas gave eighty majority against it. All the South Platte counties voted against statehood, except Richardson, which gave 140 majority in its favor.

The convention met, organized, and then, by a vote of 35 to 7, adjourned sine die. This was a remarkable reversal of the action of the legislature in adopting the joint resolutions in favor of statehood. It is to be accounted for by the fact that the real leaders of the democratic party were not in the legislature, and that republicans, ambitious for the offices that might accrue to them through admission, and trusting to popular acquiescence in the desire of the national administration to profit by the



B. H. Fuller

[NOTE — B. H. Fuller was a pioneer of Pawnee county, Nebraska, in which he held different county offices.]

addition of the unquestionably loyal members from Nebraska to its forces in Congress, overlooked the hostility of the people to assumption of the burdens of statehood. The hope of the republicans was the fear of the democrats, and the position of the latter was frankly avowed.

The vote of Nebraska as a state may be counted to elect Abraham to a second term; and besides, it is admitted there are some who suppose the territory to be republican, and in the event of its so being they begin to look forward to the good time coming when, under the aegis of a constitutional provision, negro equality shall culminate in miscegenation, and numberless fat offices shall be bestowed upon the faithful leaders of the party as a reward for services, sufferings, and wear and tear of conscience in singing hallelujahs to an administration the most imbecile, reckless, profligate and corrupt that has ever existed. The democracy will oppose the whole thing from "stem to stern." . . . Our taxes are about as high as we can bear, and if we come in they must be ten fold higher. . . . It will require \$60,000 a year to uphold a state government. Hitherto territories have been admitted after a census has shown a sufficient population to entitle them to a representative in congress. No inquiry as to the number of people, none as to their wishes.

When the Omaha *Republican* showed the inconsistency of the democratic organ by pointing out that its editor, Alfred H. Jackson, had himself offered the statehood resolutions and memorial at the late session of the legislature, all he could say in reply was that his resolution was intended to let the people decide whether they wanted a constitutional convention or not, while the act of Congress required them to vote directly on the question of accepting or rejecting the constitution which the convention had been authorized to frame. The democratic press effectively emphasized the objection of increased expense involved in sustaining a state government. It was argued that the present taxes were five mills on the dollar, aggregating \$45,163.86; and that the state would have to raise \$58,000, now annually paid by congressional appropriation, besides the \$45,000 now raised by taxation.

Dr. George L. Miller was president and J.

Sterling Morton chairman of the committee on resolutions of the democratic territorial convention which was held at Plattsmouth, June 22, for the purpose of choosing delegates to the national convention, and of taking action on the question of statehood. The resolutions adopted congratulated the democracy of Nebraska that an overwhelming majority of the members of the constitutional convention stood pledged to adjourn sine die without action, thus saving an expense of \$25,000 involved in preparing a constitution; that it had forestalled an election (on the question of adopting the constitution) at which the "money of the administration poured out like water would have been employed upon the corruptible"; that it had forestalled drafts for the army, and that an "iniquity has been emphatically rebuked, which would have made 30,000 people the sovereign equal of New York, Ohio, or Illinois, in order that three electoral votes might be added to the purchase by which a corrupt administration is seeking to perpetuate its power." It was also resolved that the authors of the resolutions have "heard with astonishment that certain federal office-holders in this territory propose to force the burden of a state government upon this people by cunningly devised oaths to be administered to the convention." While the resolutions commended "the independent and truly patriotic members of the republican, and other parties who lent us their aid to thwart these purposes of unequaled infamy, it must be remembered that the plan by which these inestimable benefits are assured to us was conceived, carried forward and accomplished by the democracy of Nebraska." It will be seen that the "threatenings and slaughter" which breathe through these heroics are entirely at outs with the general negative and acquiescent mood and policy heretofore assumed by the democrats during the war, as well as with the action of the leading democratic members of the legislature touching this subject. But whatever we may think of the discretion of the resolutions, they were distinctly Mortonian, and they show that in his youth, as always after, Morton was no fool who would



Daniel H. Wheeler

[NOTE — Daniel H. Wheeler was a pioneer of Plattsmouth, Nebraska, and prominent in politics]

halt at the stumbling block of consistency. The statesman who has a mind to hesitate before consistency is already lost. Besides, how recently had Morton been for statehood with much less population than at this time. The democratic party was now in such an uncertain condition that it could win nothing but negative victories, and the republicans assisted it in winning this one by timid approval of the statehood proposition which amounted to less than half-heartedness. A party organ, for example, kept its ammunition in store during the whole campaign, and then after it was lost exploded it all at once in the following fashion:

What have the copperheads, then, succeeded in cajoling their "republican friends" into:

First, a resistance to the draft; the main argument used was "If we have a state we'll have a draft."

Second, they have assisted to defeat the constitutional amendment, to pass which the vote of three members of congress from Nebraska was necessary; . . . which the copperheads style as one of the "president's infamous projects."

Third, they have virtually said to the government: We are mean enough to force you to support us while we know you need every dollar you can scrape to whip out the rebellion.

The professed fear by the democrats of "cunningly devised oaths" was an insinuation that it was the plan of Secretary Paddock to administer an oath to the members of the convention which would aid them to remain in session until a constitution should be framed.

The delegates to the national democratic convention, chosen by the Plattsmouth convention, were J. Sterling Morton, Andrew J. Poppleton, Joseph I. Early, Erastus B. Chandler, and John Rickley. The opposition classed all these delegates as "unadulterated Vallandighammers," an imputation which was excused if not fully justified by the inexplicably hostile expression of the democratic press and platforms of the territory against the national administration and its war measures; and which continued unabated from this time on until the amendments to the constitution were adopted.

The republican territorial committee met February 12, 1864, and by its own act disbanded to go into the new "union" party, and forty of the fifty-two members of the legislature endorsed their action; and afterwards six members of the old organization — Floris Van Reuth of Dakota county; Eliphus H. Rogers, Dodge; Dr. Gilbert C. Monell, Douglas; Daniel H. Wheeler, Cass; William H. H. Waters, Otoe; David Butler, Pawnee — met and chose themselves delegates to the Union national convention at Baltimore. The *Republican* rebelled against this action as usurpation, and the self-appointed delegates afterward submitted to the choice of delegates to a convention.

At the meeting of the committee, held April 26th, all the members were present by person or proxy except two, and they adopted a "union" platform as follows:

Resolved, That the only basis of this union organization shall be unquestioned loyalty, and unconditional support of the congress of the United States in their war measures, especially in confiscating the property [of] rebels in arms, unconditional support of the proclamations of President Lincoln, especially his emancipation proclamation, the arming of negroes, or any other constitutional measure deemed necessary by the administration to crush out this wicked rebellion, with the least cost of time, treasure and blood of loyal men.

And whereas, since the adoption of this platform, the rebel authorities have practiced brutal barbarities upon our colored soldiers, we hereby affirm the duty of this government to afford white and colored soldiers equal protection, and to retaliate strictly upon white rebels any barbarity practiced upon colored soldiers of the union army. A colored man once freed by this government and enlisted as a soldier in its defense, is entitled to its protection in all respects as a free citizen.

Adjourned, *sine die*.

G. C. MONELL, Chairman.
D. H. WHEELER, Secretary.

The adage, "practice makes perfect" had ample opportunity for self-vindication in the making of perfect political citizens in the year 1864, which was even more than commonly a crowded hour of politics. After the legislature came the discussion of statehood, then the conventions relating thereto, and all the



T. S. Clarkson

[NOTE — T. S. Clarkson was at one time postmaster of Omaha and was manager of the Trans-Mississippi exposition, Omaha, Nebraska.]

time there was raging a fierce contest, especially in the now confident republican, or union party, over the nominations for delegate to Congress. The principal republican aspirants were Turner M. Marquett of Cass county; Phineas W. Hitchcock, Gilbert C. Monell, and John I. Redick, of Douglas county; Thomas W. Tipton of Nemaha county; Benjamin F. Lushbaugh of Platte county; and Algernon S. Paddock, secretary of the territory — of whose candidacy it was irreverently said, "His claims are based upon his extreme politeness.

. . . The polite, polished, elegant, accomplished, affable, courteous, pleasant, smiling, gracious A. S. Paddock." An estimate of Hitchcock by the same judge was as much more laconic as it was less pleasant and picturesque — but that was formulated after his nomination.

The union convention for nominating a delegate to Congress met at Nebraska City, August 17th. Mr. Paddock came within one vote of securing the nomination on the eighth ballot, Tipton within five on the sixth ballot, and Marquett within five on the eleventh ballot. The *Nebraskian* said of Daily that "if he is no longer king he is king-maker," which should be interpreted to mean, in substance, that the unnatural allegiance to him on the part of the alien North Platte in his last desperate campaign was remembered and paid for in the making of Hitchcock, who was nominated on the thirteenth regular ballot.

At the democratic territorial convention held at Nebraska City, September 16th, Charles H. Brown of Omaha favored the nomination of William A. Little, of the same place, for delegate to Congress, while John B. Bennett of Otoe county presented the name of Dr. George L. Miller, also of Omaha. Mr. Brown withdrew Mr. Little's name, since, as he said, the democracy outside of Douglas county favored another man, and Dr. Miller was thereupon nominated by acclamation. Thus it appears that at this early time Mr. Brown, a man of very positive opinions, of unswerving purpose, and of dogged pertinacity in forwarding them and in standing against his opponents, had conceived a hostility to Dr. Miller which he cherished, with an important

influence on the politics of the commonwealth, to the day of his death.

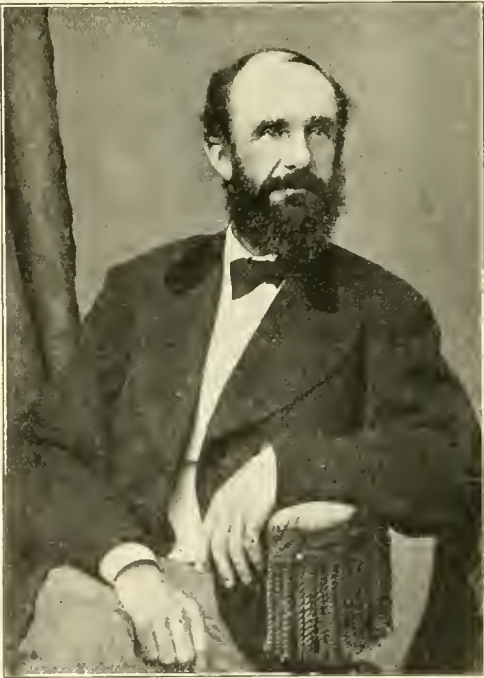
In challenging Mr. Hitchcock to a series of joint debates in the canvass, Dr. Miller sought to make the most of the fact that his opponent continued to hold the federal office of United States marshal, and occupied the equivocal position of ostensible candidate of the "union" party, which was in fact the republican party with a pseudonym. Dr. Miller first addressed his opponent by the title of United States marshal, then as republican nominee and United States marshal, and again as nominee of the "union" party and republican United States marshal. But whatever advantage accrued to the democratic candidate by virtue of his ability, prestige, and capacity for public discussion had been yielded by the unwise copperheadism, as it was effectively called, of his platform; and also by the influence of the suicidal national democratic platform of that year — though it is likely that any pronounced democrat running on any platform would have been submerged in the tide of general opposition to his party which then ran strongest in the new Northwest. Mr. Hitchcock received a majority of 1,087 over Dr. Miller out of a total vote of 5,885. This bitter bourbonism, which was now adopted by the democrats of the territory to their certain undoing, was in part due to the influence of Vallandigham and Voorhees on Morton, who had been admired and assisted by them in his contest with Daily in 1861. The baneful reactionary course of these eminent party leaders, which, not at all strangely, influenced the scarcely mature and impressionable young man, would have spent itself ineffectually against the strong individuality and independent judgment of his mature years — now more strongly developed in the whilom pupil than in his early preceptors. The mature Morton, thirty-five years afterward, strenuously opposed and rebuked a like wayward radicalism on the part of Voorhees in the great struggle over the money question.

The tenth session of the legislature convened January 5, 1865.

Mr. Mason was elected temporary president

of the council, receiving seven votes against six cast for B. E. B. Kennedy. This vote represented the relative strength of the two parties, though Allen, classed as a republican, sometimes wobbled to the democratic side. There was no opposition to the election of Mr. Mason as permanent president; John S. Bowen was also unanimously elected chief clerk. Casper E. Yost, subsequently a prominent republican politician and editor, makes his appearance in politics at this session as enrolling clerk of the council.

The number of representatives at this ses-



PHINEAS WARRENER HITCHCOCK

Sixth delegate to Congress 1864-1866; United States Senator 1871-1877

sion was only thirty-eight, Otoe county returning four instead of five. Party lines were not rigidly drawn in the organization. Samuel M. Kirkpatrick of Cass county was elected speaker and John Taffe chief clerk — both by acclamation.

The message was on the whole a plain, common sense, and useful document, but the governor's inadequacy when he drops into rhetoric in an attempt at a glowing picture of

the status of the war and the progress of the Union arms creates in the reader a longing for the apt and eloquent tongue of Governor Black, ordained by nature for tasks like this, but now, alas, mouldering in a gallant soldier's grave. The governor's sketch of the Indian troubles of 1864 now serves as history:

From facts which have come to the knowledge of this department, it is deemed certain that these Indian depredations and disturbances were the result of combined action between several tribes, instigated, aided and counseled by lawless white men who hoped to share in the plunder which would result from their robberies and massacres. It is by no means certain that these coadjutors of the savages were not the emissaries of the rebel government, prompted to their inhuman work by the hope of creating a diversion in favor of their waning cause in the south. Portions of the Sioux, Cheyennes, Arapahoes, Kiowas, Comanches, and Apaches, were evidently confederated for the purpose of attacking the frontier settlements and emigrant trains in Nebraska, Kansas, Colorado, and southeastern Idaho. Suddenly and almost simultaneously, without the slightest warning, ranchmen and emigrants were attacked at no less than four different points, remote from each other, thus proving, beyond the possibility of doubt, that the plan had been matured and the coöperation of different tribes secured in the work of destruction.

The necessities of the general government had caused the withdrawal, from time to time, of nearly all the United States troops stationed in this territory for its defense; so that when the outbreak commenced we possessed no adequate force to suppress it. The few United States volunteers within reach did their duty nobly. The Nebraska first, rendered illustrious by so many brilliant achievements in the south, and the second Nebraska veteran cavalry, promptly responding to the call of the executive, moved at once to the post of danger; and the militia, with equal alacrity, hastened to the relief of their brethren on the more exposed frontier and the emigrants upon the plains. These efforts were crowned with substantial success. The feeble settlements were protected from the impending danger, the Indians, with very few exceptions, were driven from our border, and the various lines of communication between the Missouri river and the mountains and mining districts of the West were again opened to the traveler and emigrant. It is to be regretted that these savages were not more severely punished so as to ef-

fectually deter them from a repetition of their barbarities in the future.

The statement of territorial finances in the message shows a slight decrease of the debt, but, owing to the chronic and considerable delinquency of the counties a formidable part of the resources still consists of past due taxes. The message forcibly urged the passage of a general herd law; but while such a measure was pushed hard in the legislature, the pastoral sentiment of the people was still so dominant that it failed of passage, though in its stead special herd laws, applying to such counties as desired them, were enacted. The message states the condition and prospects of railway building at that time as follows:

It will be gratifying to you and the people of the territory to know that the work on the great Union Pacific railroad, which is to pass through the entire length of Nebraska, is progressing at a very commendable rate. The work of grading, bridging and preparing the ties is progressing much more rapidly than had been anticipated by our most sanguine people. I feel fully authorized to say that unless some unforeseen misfortune attends this great enterprise more than fifty miles of road westward from Omaha will be in readiness for the cars before your next annual meeting. . . . Another line of railroad, which is designed to connect with this route within the limits of our territory, has recently been surveyed on the south side of the Platte river. This line is designed to be an extension of the Burlington and Missouri River railroad, and from the favorable reports made by the engineers there can scarcely be a doubt that work will soon be commenced on that line also.

The governor reopened the question of state government thus:

During your last session a joint resolution was passed, asking Congress to pass an act to enable the people of Nebraska to form a constitution preparatory to an early admission into the union as one of the independent states. Congress passed the act, but it was done near the close of the session, and there was scarcely time enough allowed between the date of the reception of the bill in the territory and the election of the members of the convention for the people to learn of its passage — certainly not enough to enable them to consider thoroughly and dispassionately the principles of the bill or the terms on which

it was proposed to admit the territory into the family of states. Under these circumstances, a large majority of the people decided that the members of the convention should adjourn without forming or submitting any constitution whatever. This decision of the people, under the circumstances, was just what might have been anticipated. It, however, is no proof that when convinced that liberal terms are proposed by the general government they would not readily consent to take their place in the great family of states.

It is further stated that the strongest argument against a state government was that "we ought not to tax ourselves for anything which the general government is willing to pay," and this argument is disapproved on the ground that the general government's resources were taxed to the utmost on account of the war expenses.

But Morton, whose sense of humor and scent for satire bubbles over in these early days, sees comedy, chiefly, in this ostensibly sober state paper:

The *News* judges from its appearance that the impression was taken on type 21 years of age and coal tar used instead of printing ink, the paper of the texture and appearance of a superannuated shirt-tail. The printers have done ample justice to the matter printed, and the matter printed is in most perfect accord with the style of its printing. . . . The next extra good thing is on "the freedmen of the war!" Alvin desires the people of Nebraska to find suitable employment for said sable citizens, and the people unanimously agree that the aforesaid charcoal images of God may be suitably employed boarding round among the abolition officials of Nebraska. In short the nigger is the biggest and whitest thing in the message.

The governor had seriously suggested in the message that the legislature should undertake to find employment for slaves recently set free.

The auditor (and school commissioner) gives in his report an account of the first leasing of the school lands of the commonwealth:

Under instructions from this office, the clerk of Sarpy county, during last year, leased a number of tracts of lands, and will probably realize, when all collected, near \$200.00 for the one year. I have had numer-



Franklin Sweet

[NOTE — Franklin Sweet was a member of the legislature from Merrick county, Nebraska, and a captain in the Union army during the Civil War.]

ous applications for leases of these lands, and could I have a general law, under which the rents could be promptly collected, I have no doubt that several thousand dollars could be obtained annually from that source.

The legislature at this session authorized the issue of bonds to an amount not exceeding \$36,000 to provide payment of the militia called out by the governor's proclamation of April 11, 1864, on account of the Indian uprising; authorized the governor to arrange with the state of Iowa for the care of the insane of the territory; amended the militia law, but still required all able-bodied men between the ages of eighteen and forty-five to be enrolled; provided for the election of the auditor and treasurer biennially, instead of annually, after the year 1866; disconnected Buffalo, Hall, and Merrick counties from Platte county, and allowed them one member of the house of representatives; attached Saunders county to Cass for judicial, election, and revenue purposes; legalized the organization of Jones county and declared its organization complete; attached all that part of Polk county north of the Platte river and west of the Loup Fork river permanently to Platte county; and adopted memorials to Congress for an appropriation to pay the expense of the Indian war, and for the building of a hospital for the insane. The legislature also graciously responded to the coyly expressed hint of the message that a recommendation for the reappointment of the governor would not be offensive, and threw in a similar request on behalf of the secretary. This action, tending toward harmonizing and building up the republican party, was and is characteristic of the solidarity of that organization, and was in sharp contrast to the constant and bitter strife between the leaders of the democratic party through all the territorial days.

In July, 1866, Congress appropriated \$45,000 to be applied in reimbursement of expenditures "for the pay, equipment, and maintenance of territorial troops in the suppression of Indian hostilities and protection of the lives and property of citizens of the United States," in the year 1864. The allowance for troops was limited to the companies called out by the

governor and placed under control of the general commanding the troops of the United States in the territory. The claim presented by the territory "somewhat exceeded" the amount of the appropriation. In his message of May 17, 1867, Governor Butler stated that Governor Saunders had succeeded in collecting \$28,000 on this account, and in his message of January 8, 1869, he complains that the balance is still unadjusted.

Governor Saunders was reappointed in April, 1865, and served until he was superseded by David Butler, the first governor of the state, in 1867. In the same month, Judge William Kellogg, of Peoria, Illinois, was appointed chief justice of the territory in place of William Pitt Kellogg, who had been appointed collector of the port of New Orleans. His party organ gave the gentleman of Louisiana "returning board" fame the following unequivocal send-off: "W. P. Kellogg was a very pleasant gentleman for whom we always entertained a feeling of friendship, but he neglected his duties as judge by his almost uniform absence at term time. We are mistaken in the temper of the bar of this territory, and especially of this city, if they quietly submit to those things four years longer." It is said by contemporaneous citizens that the second Judge Kellogg resembled his predecessor in name chiefly, and though an acute politician was also a good judge.

The republican territorial convention for 1865 was held at Plattsmouth, September 19th. Jefferson B. Weston of Gage county nominated John Gillespie, of Nemaha county and "of the Nebraska First" regiment, for auditor, and Thomas W. Tipton of Nemaha county nominated Augustus Kountze for treasurer, and both were chosen by acclamation. The nomination of Mr. Gillespie was the first formal recognition of the soldier element in Nebraska politics, which afterward became a settled practice of the republican party.

The democratic territorial convention of 1865 met at Plattsmouth, September 21st. The democrats of the country were now beginning to see in Andrew Johnson's patriotism—or apostasy—a ray of hope for resurrection

from their self-interment of 1864, and Morton proceeded with alacrity to encourage the embarrassment which was encompassing the republicans of the territory. At the head of the committee on resolutions, composed as to the rest, of Edward P. Child of Douglas county and John Rickley of Platte county, he reported the following platform, which was adopted by the convention:

1. *Resolved*, That the measures adopted by President Johnson for the restoration of the southern states to their rightful position in the union, and his recent public expressions on that subject are wise, safe, humane and patriotic, that they coincide with the time-honored theories of the democracy of the nation upon the relations of the states to the general government, of which theories the present chief executive has, in times past, been an eloquent and powerful champion; that the sentiments recently expressed by him towards the people of the south are an emphatic rebuke and repudiation of the policy, theories and public expressions of the republican party on the subject of the relation not only of the northern but of all the states to the federal power, and that the pretended endorsement, by the late convention of republican office-holders in this territory, of the views and measures of the president is a flat contradiction of the policy they have, until now, advocated, and deserves, therefore, to be treated with that contempt and distrust which honest men always pay to deceitful words which stultify those who utter them.

2. *Resolved*, That the qualifications of electors should hereafter, as heretofore, be regulated by each state for itself and that the attempt of the republican party to compel the southern people to admit negroes to the elective franchise is as unjust and unwarrantable an interference with the reserved rights of the states as it would be to force California to permit Chinamen to vote, and that the silence on this great question of the republican office-holders in their late convention when pretending to speak for their party, and when speaking in vague and general terms of the policy of the president towards the south, clearly shows that they are dishonest in what they do say and that they are holding their opinions upon this subject in reserve, to be suited to the uncertain developments of these shifting times.

3. *Resolved*, That negroes are neither by nature nor by education, entitled to political nor social equality with the white race, that we are opposed to permitting them to hold office

in this territory themselves or to vote for others for office; that we are bitterly hostile to the project of amending the *Organic Act* so as to permit them to vote, now sought to be secretly accomplished by republicans, and we denounce as cowardly and deceptive, alike to friends and foes, the silence of the office-holders' convention on this most important point.

4. *Resolved* that we deem the vote of the people, but lately taken, by which they declared themselves in overwhelming majorities opposed to the admission of this territory as a state into the union, as decisive of that question, and are astonished at the persistent renewal of the effort of republican office-holders to force such a change of our condition upon us; that in order again to test the popular opinion on that subject, which should always be determined by the people in their primary capacity, we demand that all laws hereafter enacted, whether by the legislative assembly or by congress, providing for a convention to frame a constitution, require a vote to be taken at the time of the election of delegates, whether or not a convention shall sit for that purpose.

These drastic resolutions were voted upon separately, and all adopted without dissent. The declaration of the status of the negro is not much out of harmony with the present general public opinion which has been reached after forty years of painful experiment along the lines of an opposite theory, and the established practice today in every southern state is in accordance with Morton's harsh dictum. Each of the two platforms here reproduced was prepared by a young and ambitious leader of the respective parties, and whatever might be said questioning the wisdom or discretion of Morton's declaration, its virility, strength, and boldness put the other, which was principally political fishing, in conspicuous contrast. And yet this prudent preaching of the one was to open to its author the gates of official preferment, while the vigorous but discordant ingenuousness of the other would be a bar against his political success. At this distance the denunciation of negro suffrage for this northern territory seems like gratuitous flying in the face of popular prejudice or sentiment. The question never has been of practical importance in Nebraska. The abuse heaped upon Morton by the republican news-

papers on account of this platform and his other similar declarations was unusual even in those days of unbridled license of the political press.

And yet it would be unjust to deny to the republican leaders of that day, such as Turner M. Marquett, Oliver P. Mason, George B. Lake, John M. Thayer, Robert W. Furnas, and Algernon S. Paddock, most of whom were recent deserters from the democratic party, a measure at least of that philanthropic desire for the amelioration of the condition of the negro race, and belief that the ascendancy of the republican party at that time was essential to the attainment of that object, and even for the preservation of the Union, which so largely actuated the rank and file of their party. But, on the other hand, it would be unjust to deny to the democratic leaders, such as George L. Miller, J. Sterling Morton, Andrew J. Popleton, Eleazer Wakeley, James M. Woolworth, George W. Doane, Charles H. Brown, and Benjamin E. B. Kennedy, as well as their party followers, the sincere belief that radical republicanism would hurtfully enfranchise the negro and obstruct the real restoration of the Union. Furthermore, it should be said, to the everlasting credit of these veteran democrats, alive and dead, that their unswerving allegiance to their party, through its many years of ill-repute, plainly meant to them political self-sacrifice and seclusion, while by cutting loose from their unpromising moorings and floating with the popular republican tide they would have gathered both honors and emoluments. Nor may we of today felicitate ourselves that the political fustian and buncombe of those early days has changed in great measure, either in quality or quantity. A well-known English writer illustrates their present prevalence in a recent article entitled "Rot in English Politics": ". . . The Disraelian myth, which has changed the most un-English of all our prime ministers into an almost sacramental symbol of patriotism, has been worth many a legion to Lord Salisbury. The Primrose League is ridiculous enough, but men who want big majorities must not scorn the simply ridiculous, nor do they."

The democratic candidate for auditor was John S. Seaton — who, like his opponent, belonged to the "old Nebraska First" — and for treasurer, Saint John Goodrich. The republican, nominally the "union" ticket, was successful, Kountze having a majority of 852 and Gillespie of 694. With the soldier vote added Kountze had 3,495 votes and Goodrich 2,573. Bitterness to the extent of scurrility characterized the campaign. The *Advertiser* in particular, after Furnas left it, was mainly a mess of scurrilous epithet of which this is a scarcely adequate sample:

The consequences of inviting the disfranchised renegades of the other states to Nebraska City, as was done by the Nebraska City *News*, just after the adoption of the new constitution of Missouri, are becoming more apparent every day in the theft, larceny and rowdyism of that city, which is alarmingly on the increase. Men have been knocked down on the streets of that city and robbed; men, boasting of being disfranchised Missourians, perambulate the streets in bands and make it unsafe for unarmed pedestrians. Horse stealing is again on the rampage. Three horses were stolen on the night of the 14th from that city; one from Julien Metcalf, which he has since recovered, and two (over which we shall shed no briny tears) from J. Sterling Morton. This is rather a steep contribution on Morton for their assistance in "voting down the blue-coated, brass-buttoned yankees."

The same organ assailed the democratic territorial platform, and Morton "a pupil of Vallandigham," as the author of it, in language which it would be rather complimentary to call billingsgate. And this illustrates the ferocity of the appeal to war passions:

The so-called democracy of this county, after due consideration and discussion, have hoisted the name of Joseph I. Early as a candidate for councilman, for the purpose of contesting the seat of Hon. J. W. Chapman. . . . Mr. Early proclaimed, in a public speech at Nebraska City, last fall, that he looked upon Abraham Lincoln as a tyrant and usurper of power, and denounced the union soldiers as robbers, thieves and murderers. He also said publicly that he had assisted in the notorious Baltimore mob, and that he would yet assist in hanging Abraham Lincoln.

And there was little restraint in the discharge of explosive epithet through the col-



H. S. Kaley

[NOTE.—H. S. Kaley was an early legislator and lawyer, Red Cloud, Nebraska]

umns of the democratic press. A sample Mortonism from the *News* will suffice: "As Mr. Goodrich [democratic candidate for treasurer] has had no government contracts, owns no untaxable United States bonds, is not a distant relative of the man who killed Christ, and does not run a bank, we presume he is not as rich, though he may be quite as honest, as Mr. Kountze or any other money-lender of the Jewish persuasion in Nebraska." But in the reckless game of politics it did not matter that Mr. Kountze was, by profession, a Lutheran and a prominent member of the Lutheran church.

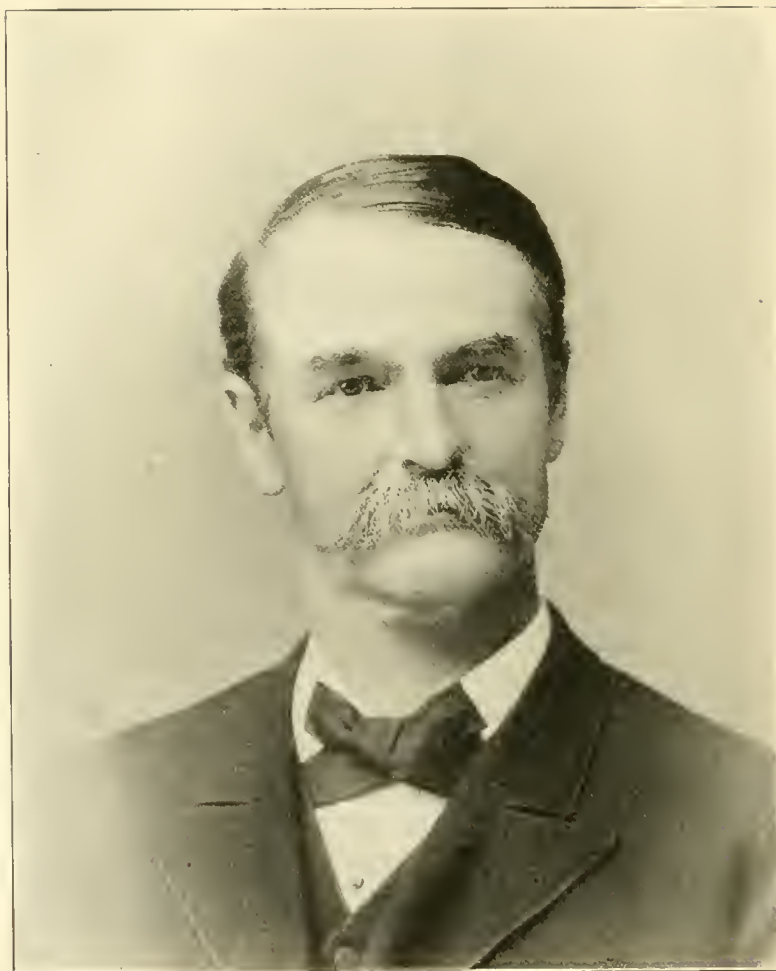
Of the twenty-three counties voting at this election only six — Dakota, Dixon, Douglas, Otoe, Platte, and Sarpy — were democratic, all of them but Platte of the older and border counties. Otoe remains the banner democratic, and Nemaha the banner republican county. The remarkable and persistent political differences between these two adjoining and border counties is explained by the fact that the dominating early settlers of Otoe were of the south and so of southern sympathy, which then involved democratic politics, while Nemaha was earlier dominated by northern men. This difference is further explained by a retort of the *Advertiser* to an assertion, attributed to Morton, in the *News* of June 8th, that "radicalism in Nemaha county has by its intolerance and bigotry, by fierce fanaticism and zealous hatred of democracy, driven one million dollars of Missouri capital out of the boundaries of Nemaha and into Otoe county." The reply quotes from the *News* of July 1, 1865, as follows: "The disfranchised citizens of Missouri will unquestionably seek new homes. The over-riding of honor and equity, and the entire lack of charity exhibited by the abolition rulers of the state having deprived them of all privileges of citizenship, they will take up their bed and go to some more hospitable region. We invite them to Nebraska." And then the *Advertiser* adds: "This invitation was not, and never will be endorsed by the union men of Nemaha county, and we have never heard a sound union man regret that the above invited class went to

Otoe instead of this county." Five counties — Cuming, Hall, Merrick, Pawnee, and Seward — cast no democratic vote, while Lancaster with one hundred republican against eight democratic votes gave good earnest of her future political propensities.

ELEVENTH LEGISLATURE. The eleventh legislative assembly convened January 4, 1866. The councilmen of the previous session held over with the exception of Bayne of Richardson county, who had removed from the territory, and George Faulkner was chosen in his place at a special election. There was a stout partisan contest over the choice of a president of the council. Porter of Douglas receiving 6 votes and Chapman of Cass 6. On the fourth day of the struggle and on the thirty-eighth ballot, the democrats and two republicans voted for Oliver P. Mason, who was already temporary president, and elected him permanent president. The democrats "accorded the presidency to Mason, and elected the remainder of the officers from their party." William E. Harvey, former auditor of the territory, was chosen chief clerk, receiving 11 votes against 1 for John S. Bowen. The house was composed of thirty-eight members.

Gen. Harry H. Heath presented credentials from Kearney, Lincoln, and Saline counties, but a majority of a select committee appointed to examine them reported that he was ineligible, inasmuch as he held the office of brigadier-general of volunteers in the United States army, and the report was sustained by the house by a vote of 19 to 18. So the counties named were without representation at this session. James G. Megeath of Douglas county was elected speaker, receiving 25 votes against 9 cast for George B. Lake, also of Douglas county.

George May of Cass county was elected chief clerk. The members of each house were nearly evenly divided politically, but the republican organ at the capital scolded at conditions which should have resulted in a democratic majority of one in each house while the "Union Republican party" was in a majority of at least 1,000 in the territory. The demo-



Charles H. Brown

[NOTE -- Charles H. Brown was a member of the constitutional convention, 1875, and prominent in early Nebraska politics.]

cratic organ said that the democrats had a majority of two in the house, and that they elected all the officers but one.

The governor's message set forth the status of the Indian war as follows:

It was hoped that with the close of the rebellion these troubles would cease; but this hope has proved groundless. Emboldened by success, the savage tribes who have committed these outrages upon the lives and property of emigrants, and upon the Overland Stage Line and Pacific Telegraph, have become exceedingly reckless and daring in their murderous forays; and outrages the most atrocious and wanton in their character are of frequent occurrence. Nothing will in my judgment give us *peace* upon the plains but the employment of the most vigorous measures to hunt out and severely punish the authors of these outrages. And I trust and believe, from the information in my possession, that it is the purpose of the general government, early in the coming spring, to send a force against them sufficient to compel them to sue for peace, or drive them from all the great lines of travel between the Missouri river and the Rocky mountains.

It appears from the message that, exclusive of the militia bonds to the amount of \$36,000, the indebtedness of the territory was now \$53,967.80—less by \$3,891.56 than that reported the year before. The governor congratulates the taxpayers on the fact that the resources to meet this indebtedness amount to \$91,945.70, disregarding with naïve optimism the troublesome fact that a very large part of this handsome sum represents unavailable delinquent taxes. The governor reports that, under an arrangement made during the year with the trustees of the Iowa hospital for the insane, nine patients had been sent there from the territory; that, with the assistance of Benjamin E. B. Kennedy and George B. Lake, he had examined the work of Experience Estabrook in revising the laws by authority of the act of the last session of the legislature and that the revision faithfully complied with the requirements of the act. The message reported that fifty-five miles of the Union Pacific railway had been completed, that grading and bridging were finished as far as Columbus—ninety-five miles:

Upon the north, congress has provided for a

branch from Sioux City, and to the south of us the same just and liberal policy has endowed two other branches with liberal donations, thus insuring their construction at an early day. One of these branches is the extension of the Burlington and Missouri River Railroad, now permanently located to run west from Plattsmouth to the 100th meridian; the other is the extension of the Hannibal and St. Joseph railroad from St. Joseph, in a northwesterly direction uniting with the main line (in the language of the bill,) at the 100th meridian "*in the territory of Nebraska.*"

The message urges the familiar arguments for state government. With the passion of the public men of that period for peroration, the governor closes his message with a highly colored congratulatory passage on the return of peace.

Near the beginning of the session General Estabrook made a report on the manner in which he had done the work of revision, and afterward a joint committee, consisting of Kennedy, Allen, and Griffey, of the council, and Lake, Brown, Thorne, Crouse, and Cadman of the house, was appointed to further consider the revision. The careful work of General Estabrook brought the statutes for the first time into practical form. The legislature of 1866 made such amendments and additions to the revision of General Estabrook as were needed, and the result was embodied in the revised statutes of 1866. George Francis Train's Credit Foncier of America, an echo or counterpart of the famous Credit Mobilier, was incorporated at this session. John M. S. Williams, James H. Bowen, Augustus Kountze, George Francis Train, and George T. M. Davis, Train's father-in-law, were by the act appointed commissioners to organize the company, which was almost universal in its scope of business, but designed especially "to make advance of money and credit to railroad and other improvement companies." Under the provision for erecting cottages considerable building of that kind was done by the company at Omaha and Columbus.

Statehood was the most important question considered at this session. Though party lines were not strictly drawn, the republicans generally favored, and the democrats opposed



WILLIAM REMINGTON



MRS. WILLIAM REMINGTON

[NOTE — William Remington was the first sheriff of Saline county, Nebraska]

the proposed change to state government. The opposition was led on the outside by the two most prominent democratic leaders, J. Sterling Morton, then editor of the *News*, and Dr. George L. Miller, who had recently started the *Omaha Herald*, and in the legislature by Benjamin E. B. Kennedy of the council and the aggressive Charles H. Brown of the house. Mr. Brown formulated the democratic opposition in resolutions which he introduced in the house, and into the belly of which, Douglas-like, he injected a stump speech:

Whereas, certain official politicians have assiduously sought, through specious arguments, to create a sentiment in favor of, and induce the people to change their simple and economical form of government, which heretofore has been and now is a blessing, for one which will have many new, useless and burdensome offices, to be filled by persons ambitious to occupy places of profit and trust, even at the expense of the tax payers, and which will in its organization and operation necessarily be burdensome and ruinous to an extent which none can foresee, and consequently involving a taxation which will eat out the substance of the people: . . .

And whereas, the people of this territory but a short time ago, with almost entire unanimity, expressed their unqualified disapproval and condemnation of any attempt to force on them the grinding taxation incident to, and schemes of politicians for, state government, and have not since then, by ballot or otherwise, expressed a wish for increased and increasing burdens and taxation:

And whereas, personal interest and selfish considerations are strong inducements and powerful incentives for individual or combined action, and certain politicians have industriously sought again to force state government upon the people, and compel them again, at great expense and trouble, whether they wish or not, to consider that question, and through fraud and chicanery fasten this incubus upon them:

And whereas, his excellency, Alvin Saunders, the chief executive federal officer of this territory, has with great consideration, after the rebuke given but a brief period ago by the people to political schemers for state organization, again, by plausible arguments, thrust in his annual message at this session, this repu-

diated question upon the legislative assembly for its action, and has sought in an unusual manner, to force a constitution no matter "by whatever body or by whomsoever made," upon the people of this territory, without giving them even the small privilege, to say nothing of their absolute and most unqualified right to select whomsoever they might see fit to comprise that body, through whose actions they might entrust so grave and vital a question as making a constitution;

Therefore, be it resolved, as the sense of this House, that it is unwise to take any steps which will throw this question upon the people without their first having asked for its submission to them.

The resolutions were indefinitely postponed by a vote of 20 to 14. A joint resolution submitting a constitution to the people passed the council by a vote of 7 to 6, Mason, the president, giving the casting vote. The vote did not follow party lines, though only two democrats, Griffey of Dakota and Porter of Douglas, voted aye. The resolution passed the house, 22 to 16, the four democrats from Douglas county and four of the five members from Otoe county voting nay. It is curious that a motion in the house to strike out of the proposed constitution the restriction of the suffrage to whites received only two affirmative votes, while 36 were cast against it.

The constitution was not prepared by a committee of the legislature or other legally authorized persons, but was the voluntary work of the politicians who were bent on statehood. Chief Justice William Kellogg was styled "our amiable constitution maker"; and Isaac S. Hascall, in a speech in the senate, February 20, 1867, said that the constitution was framed by nine members of the legislature, five of them democrats, and Judge William A. Little, Judge William Kellogg, Hadley D. Johnson, Governor Alvin Saunders, General Experience Estabrook, and others of Omaha. The *Herald* says that "the constitution was founded by three or four men who locked themselves up in their rooms to do their work." The *Press* of Nebraska City called it Kellogg and Mason's constitution and stoutly protested against the white restriction. While this

state document of gravest importance was clandestinely and arbitrarily framed it was carried through the legislature in an indefensibly bold and arbitrary manner. The constitution did not even enter the legislature through the natural channels of the judiciary, or any other committee, but was injected by Porter of Douglas, that task being assigned to him, doubtless, because he was the only democrat of his delegation or of prominence who favored its submission at all. It was then referred to a special committee consisting of Bennett, Porter, and Chapman, who recommended it for passage, the same day, when it was at once passed, the council refusing, by a vote of 6 to 7, to hear it read the third time. The house even refused to let the important document go to a committee at all, the motion of Robertson to refer it to the committee on federal relations being defeated by 14 to 24, and two attempts to amend, made in the regular session, were frustrated by Lake's insistent motions to table. This fundamental law of a commonwealth was not even considered in committee of the whole in either house. It was cut by outside hands, and without time for drying was railroaded on its legislative passage. Even the republican *Nebraska City Press* was moved to say that "a few broken down political hacks about Omaha seem determined upon their mad scheme of forcing a constitution before the people through the legislature." The records of the procedure in the legislature fall little if at all short of bearing out the strictures of the strenuously partisan *Herald*:

The constitution . . . was rushed through the legislature in such haste that not one man in six had a moment allowed to examine the instrument. . . Democrats who favored the measure and democrats and republicans who opposed were denied the privilege of either amending or examining the constitution. Not one man in twenty in the legislature has ever read the constitution. This constitution was never printed. It was not even referred to a committee of either House. Even discussion of the stray paragraphs which members caught the sense of from the hurried reading of the clerk was denied to members under the resistless pressure brought to bear by the majority to rush it through.

Mr. James M. Woolworth said in an address before the territorial educational association that the minimum price of five dollars an acre at which public school lands might be sold under the constitution was not an adequate protection, as he knew of several quarter-sections worth from fifty dollars to three hundred dollars per acre; and he complained that under the provision lands might be sold, not to the highest but to the lowest bidder. In the same address Mr. Woolworth called attention to the fact that the proposed constitution made no proper provision for a system of public instruction or for safeguards to the public school lands and funds. He urged that it should be amended in these particulars. In a letter to the *Herald*, Mr. Woolworth stated that he had said in the address in question that on the question of suffrage he would vote with Dr. Monell and General Bowen, and that he was in favor of sending a proposition to amend the constitution on the suffrage question to the people, if the state should be admitted; and also that he was in favor of providing means of education for blacks as well as whites, but particularly wanted the constitution amended in respect to its educational provisions. "If it is not attended to now," he said, "the school lands will in a very few years be swept away. Some men will get rich and the schools will be forever poor."

By the beginning of 1866 the vigorous patriotism or perversity of Andrew Johnson was fast stirring national politics into a condition which resembled potpourri, and the grotesque political antics of the federal office-holders in particular revealed their agony of suspense. Though uncertain toward which course prudence pointed, yet most of them yielded to present pressure, and unconditionally "Johnsonized." On the whole their attitude chiefly illustrated the overpowering influence of temporary advantage in determining men's allegiance and the choice, or even the creation, of their principles. Edward B. Taylor, editor of the *Omaha Republican*, and also superintendent of Indian affairs, rising — or sinking — to a sense of his duty to do something for the administration, commensurate with the honors

and emoluments of this sonorously entitled office, denounced the Morrill bill, or force law, as an attempt to force negro suffrage on the territory, as a distinct outrage on our rights as American citizens, and as being against the sentiment of nineteen-twentieths of the people. The Summer amendment to the Colorado enabling act requiring, as a condition precedent to admission, acceptance by the legislature of negro suffrage was denounced as "an outrage upon the independence and rights of the people of Colorado." This was the same condition which was afterward imposed upon and accepted by the Nebraska legislature, on the approval of the *Republican* — the constitution placed before the people in 1866 not having provided for negro suffrage. Even the *Advertiser*, which, since Furnas quit it, had been phenomenally radical and regular, was now standing out against negro suffrage and for Johnson's policy.

But while the republicans, distracted in the doubt on which side the spoils lay, were divided as to the question of Johnson's policy, the democrats were so seriously divided on the question of statehood as to be unable to take advantage of the weakness of the majority party. The circulation of petitions for signature, asking the legislature to frame a constitution and submit it to the people, had drawn from Morton denunciation of the proposed statehood as "a scheme of office-aspiring politicians." Dr. Miller's attitude at this time was not so much that of opposition to statehood as it was to acquiring it through republican means and on republican conditions. He insisted that the people did not wish the legislature to form a constitution, but that they wanted a chance for a direct vote for or against state government. He argued against the statehood proposition on account of the manner in which it had been thrust upon the people, but wanted the policy of the party settled by a state convention; and he charged that Chief Justice Kellogg and Governor Saunders were the managers of the statehood scheme. The *Republican*, eager in its own misery to discover as much company of a like sort as possible, declared that at first a caucus

of democratic members of the legislature did not oppose the state movement, but Morton cracked his whip and changed it all, and Dr. Miller had to fall in.

From the circumscribed local point of view the aggressive and bitter opposition to negro suffrage by the democratic leaders — by this time most of the leading strings could be traced into the hands of Morton and Miller, to be held there for some thirty years to come



JOHN GILLESPIE

Last territorial auditor and first state auditor of Nebraska, October 10, 1865, to January 10, 1873

— was inexplicable, since it had been the argument of Douglas, subscribed by his followers, that nature had fortified Nebraska against any considerable influx of negroes; and while this policy was hurtful to the party, as offending a growing popular anti-slavery sentiment, it was wholly unnecessary "to legislate against the law of God," as Daniel Web-

ster had unanswerably stated the case. But, on the other hand, the prevailing public sentiment at the North just at that time, following Lincoln's expression of caution and deprecation, was against negro suffrage. We find the *Herald*, quoting a letter written by ex-Governor William A. Richardson, taking strong ground against negro suffrage, and showing that Colorado, Connecticut, Minnesota, and Wisconsin had voted against it at the last elections, while "at least thirty other states are in rebellion according to this test, and five or six are 'loyal.'" While the mainspring of the



WILLIAM KELLOGG
Fourth chief justice, Nebraska territory

action of the republican leaders in pressing to adoption the fifteenth amendment to the constitution, some time after, may have been the selfish motive of gaining political control of the southern states, yet its success was based upon a strong and genuine sentiment in its favor in the North, and particularly in the Northwest. So, while it may be conceded that the democratic leaders of Nebraska, in pressing anti-suffrage as an issue, were in line with general democratic judgment and with national democratic policy, as keeping in touch with the inevitably dominant race of the South,

yet it is plain that they pressed it with gratuitous ardor and unwise bitterness as affecting local politics. But whatever the reader may think as to the wisdom or unwisdom of Dr. Miller's anti-suffrage fulminations he feels that they are couched in rhetoric of extraordinary freshness and force. Thus, an observation by the *Nebraska City News* that the Morrill bill "provided that niggers shall vote in all the territories," and that by Sumner's amendment to the act for the admission of Colorado it will be imposed also upon the states, touches off this broadside from the *Herald*:

Thus negro suffrage is inevitable. . . It will be more manly to accept negro suffrage from congress by legal enforcement than to humiliate ourselves by its voluntary adoption as the price of admission to the union. That territory upon which congress imposes nigger voting because it has — under radical ruling — the power to do so, will become strongly democratic, but that community that voluntarily adopts it as the price of statehood will be very woefully radical ever after. We prefer living in a democratic territory where niggers vote to a residence in a radical state where they also vote. We could perhaps put up with niggers voting if at the same time their less white friends, the radicals were defeated in the territory. But it would be almost unendurable to live in the state of Nebraska and have niggers and radicals vote themselves victory. . . Gentlemen can take their choice. . . We take nigger only when forced to it by congress and therefore are for remaining as at present a territory.

The *Nebraska City Press*, which, though the least among the leading republican organs of the territory, merited the distinction of having been the only clear-sighted or disinterested one among them, in that it had not Johnsonized, added to the discord by attacking the *Republican* for its strictures on Sumner's amendment, and clinched its denunciation with the prevalent *argumentum ad hominem*, to the effect that the editor of the *Republican* was an unregenerate Breckenridge democrat of 1860. At the close of the legislature, the democratic organ congratulated the territory on the failure of "the radicals to make the election laws even more offensive than they were then," and gave two of the republican

members of the house the following parting attention:

The bloody orator of Otoe (Mason) goes back to his radical brethren howling his own discomfiture, and utterly disgusted with the vain exhibition he has made in the legislature of mingled malice and vanity, while Crouse of Richardson, after his performance in the investigating committee and getting behind his privilege as a member of the House to assail Mr. Morton, has demonstrated the breadth of his estimate of what constitutes a gentleman.

The character of the investigation referred to is disclosed in the report of the minority of the committee made by Mr. Crouse and adopted by the house, in part as follows:

Mr. Speaker: The undersigned, a minority of the committee appointed by the chair to investigate charges of bribery and corruption made in relation to the passage of the joint resolution submitting a state constitution to the people of Nebraska, in submitting their report, would premise that, in their opinion, this investigation was instituted by that branch of this House opposed to state organization urged on by outside politicians, with a view to damage personal reputation and by such unfair means defeat the success of state organization if possible. As proof of this we refer to the following facts which appear in the testimony: One J. Sterling Morton, editor of the "Nebraska City News," a would-be leader of the democracy of the territory, and active anti-state man, before, during and since the submission and passage of the joint resolution, has spent most of his time on the floor of this House caucusing with members, drafting buncombe political resolutions for members to introduce in the House, by which its time was occupied to the exclusion of more legitimate and profitable business. The appointment of this committee would seem to have been directed with a view to this end; the very chairman, the Hon. Mr. Thorne, appears, by the evidence, to have been an instrument used by said J. Sterling Morton to introduce a resolution "blocked out" by him, and directed against state. The Hon. Mr. Brown, as appears by the House journal, was the introducer, if not the framer, of another preamble and resolution against state of a most insulting character, and which was most summarily disposed of by this House.

The Hon. Mr. Robertson, of Sarpy county, it appears, was one of the instigators of this investigation. Too ambitious to put some capital into this enterprise, he came before the

committee, and by his first testimony seemed willing to attach the motive of bribery and corruption to a transaction which appears, by the concurrent testimony of several other witnesses, to be a simple business matter. By further examination, when placed by his own testimony in the peculiar position of allowing himself to be approached two or more distinct times, with what he was pleased to term an improper offer without showing any resentment, he chose, on discovery, to state it in its true light, and by his own testimony, corroborated by that of all the other witnesses called to the same subject, it is shown that what occurred between himself and the Hon. Messrs. Mason and Bennett, of Otoe county, was purely a business transaction, and that it was not calculated to influence him in his vote, nor so understood by any of the parties.

The last testimony taken was that of Mr. Bennett, of the Council, who states that Mr. Morton, aforesaid, during the pendency of the question of submitting the question of the constitution to the people, approached him with a proposition signed by fifteen anti-state men, including Messrs. Tuxbury, Gilmore, Paddock, and others of the House, proposing that if state men would separate the question of state from that of election of state officers, the fifteen would go for the suspension of the rules and pledge themselves that the bill should not be defeated. At the same time Mr. Morton promised to secure a like pledge from the anti-state members of the Council. Whether Mr. Morton had at the time a fee-simple in and full control over the anti-state members of both branches of the legislature, we leave for the members of this body to conclude. But it is but justice to Mr. Bennett to say that he did not entertain these propositions, but has at all times advocated state organization on principle and not a subject to be trafficked away.

But the minority, in their haste to submit this report in the very short time allowed by order of this House, cannot undertake to review the testimony further. But enough is shown, we think, to convince this body that great effort has been made to defeat the wish of the majority in the submission of the constitution to the people; and while we can discern much connected with the passage of the bill that is not strictly proper, yet we have failed to discover anything of the character of the direct bribe or so intended.

Mr. Robertson we consider a gentleman beyond the suspicion of accepting a bribe, or being improperly influenced in his action as a legislator. The other gentlemen designed to



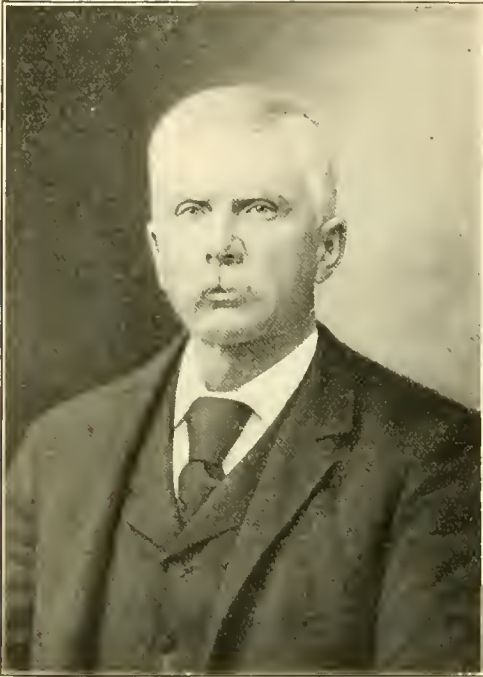
CHARLES H. DIETRICH
Governor and United States senator

be affected by this inquiry are possessed of too much good sense and discretion to undertake to bribe Mr. Robertson.*

The *Herald* undertook to place various politicians as follows: "Estabrook (now a republican) is for nigger and against Johnson, and so is Alvin Saunders. Our amiable constitution-maker, Mr. William Kellogg (chief justice) is for Johnson, and so will be Paddock, Dundy, Hitchcock, Taylor, 'for the present,' as Gen. Heath was against negro suffrage when he spoke his first piece in Omaha in front of the postoffice." The same aggressive organ at this time rejoices over Johnson's defeat of the freedman's bureau bill; and gives account of a meeting at the court house in Omaha to indorse the veto, which was addressed by Hadley D. Johnson, Charles H. Brown, Isaac S. Hascall, George W. Doane, and William A. Little. The instrument provided that it should be submitted to the people for their approval or rejection, June 2, 1866, and that state officers, judges of the supreme court, a member of the federal House of Representatives, and members of a legislature, to be convened on the fourth day of July following, should be elected on the same day. The constitution was by its own acknowledgment submitted in accordance with the enabling act of 1864. At the convention of the "Union" party, held at Plattsmouth, April 12,

1866, David Butler was nominated for governor of the prospective state; Thomas P. Kennard for secretary of state; John Gillespie for auditor; Augustus Kountze for treasurer; Oliver P. Mason for chief justice; and Lorenzo Crounse and Geo. B. Lake for associate justices of the supreme court. Turner M. Marquett was nominated for member of Congress, receiving 32 votes against 15 for John I. Redick. In the contest for the nomination for governor, Butler received 27 votes and Algernon S. Paddock 26. The platform was chiefly confined to a statement of the advantages of state government as follows: First, it would promote the settlement of the territory; second, it would bring the school lands under control of the people; third, it would enable Nebraska to select lands for the various public institutions before they should be absorbed by foreign speculators and by the location of agricultural college scrip issued to other states. It was contended, also, that the question was not a party issue. The growing difficulty with Andrew Johnson had now reached the non-committal stage, and on that subject the resolutions were silent. To the politicians the question whether or not the president would continue to control the official patronage was paramount, and they waited the issue.

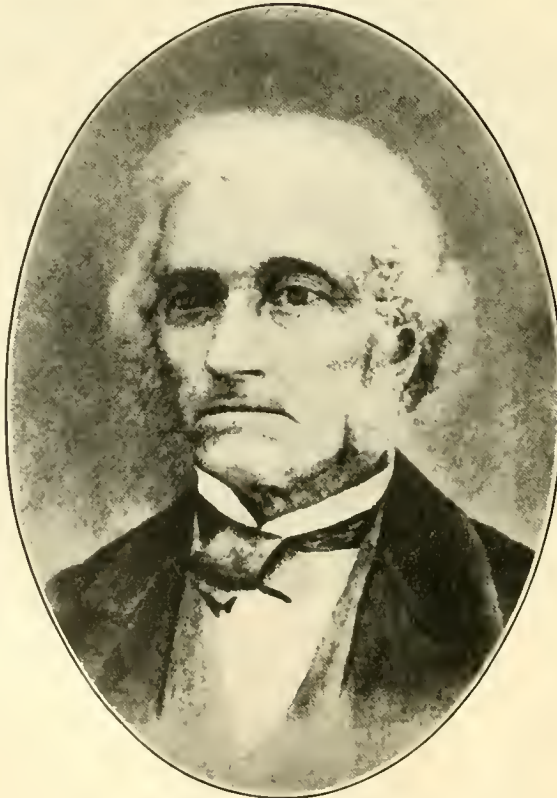
* *House Journal*, 11th ter. sess., pp. 203-205.



CHARLES ISAAC BROWN



MRS. CHARLES ISAAC BROWN



MR. AND MRS. WARREN SAUNDERS

[NOTE — Mr. and Mrs. Charles Isaac Brown were early residents of Harlan county, Nebraska. Warren Saunders was an early settler of Cedar county, Nebraska.]

CHAPTER XVI

POLITICS IN 1866 — ROCK BLUFFS CONTEST — JOHNSON AND ANTI-JOHNSON FACTIONS — STRUGGLE OVER STATEHOOD — ELECTION OF FIRST STATE OFFICERS — TWELFTH AND LAST TERRITORIAL LEGISLATURE — THE NEGRO SUFFRAGE CONDITION IN CONGRESS, AND IN THE FIRST STATE LEGISLATURE.

THE democratic convention was held at Nebraska City, April 19th. T. W. Bedford was its presiding officer, and J. Sterling Morton was nominated for governor; Charles W. Sturges of Sarpy county, for secretary of state; Guy C. Barnum of Platte county, for auditor; St. John Goodrich of Douglas county, for treasurer; William A. Little of Douglas county, for chief justice; Edward W. Thomas of Nemaha county and Benjamin E. B. Kennedy of Douglas county, for associate justices of the supreme court; and Dr. John R. Brooke of Richardson county, for representative in Congress.

The convention adopted the following platform:

Whereas, We regard the support of the state governments in all their rights as the most competent administration of our domestic concerns and the surest bulwarks against anti-democratical tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad. Therefore,

Resolved, That a jealous care of the right of election by the people; the supremacy of the civil over the military authority; economy in the public expense that labor may be lightly burdened; the honest payment of our just debts; the sacred preservation of the public faith; freedom of religion, freedom of the press, and freedom of the person under protection of the habeas corpus; and trials by juries impartially selected are the fundamental doctrines and tenets of the democracy.

Resolved, That the official action of Andrew Johnson, president of the United States, in his legitimate endeavors to restore, under the constitution, the several states to their legal status in the American union, elicits and receives the full, free and honest commendation

of the democracy of Nebraska, and that we promise him our faithful and active support in all his efforts to sustain the constitution and laws.

Resolved, That we regard the platform adopted by the radical official convention held at Plattsmouth on the 12th inst., as a direct and explicit condemnation of the wise and just policies of President Johnson; a clear declaration in favor of the destructive policies of the Stevens, Sumner and Fred Douglas directory; and that we hereby do invite the people of Nebraska to unite with the democracy and aid in verifying the historic saying of Andrew Johnson: that "This is and shall be a government of white men and for white men."

Morton was credited, or charged, with the construction of the platform; and after the republican press had heaped the matter-of-course partisan strictures and ridicule upon it, he took malicious pleasure in retorting that the preamble and first resolution were copied verbatim from the immortal Jefferson's first inaugural address. The absence of allusion to the statehood issue shows that Morton had been willing to compromise as to that question with the pro-state element of the party; and in the campaign his opposition to statehood was not aggressive.

George Francis Train, who had a long career of remarkable vicissitude, was a picturesque figure in this campaign. Though his speeches were not characterized by coherency, they were wonderfully bright, droll, witty, sarcastic, and humorous, and the contrast between his performance and that of the weighty and ponderous Oliver P. Mason, who followed him in a discussion at Brownville, is concededly indescribable. Train — and the audi-



OLE ANDERSON
Pioneer of Otoe County

ences also—had immeasurable fun at the expense of Butler and Kennard, whom he engaged in joint discussion at Cuming City and Tekamah. Train strongly advocated statehood, but supported the democratic ticket. The joint discussion was the regular order in those earlier campaigns, and Morton and Butler engaged in them all over the territory. Morton entered into a fray of this sort with all the bright alertness which characterized his public speeches to the last, but with a rough-shod vehemence that had been greatly modified in his later days. His part of the discussion is described from the opposition point of view: "Morton out-spoke himself—for vehemence, argument, wit and sarcasm, outstripped everything I have ever heard in Nebraska." Butler was no mean popular debater, and in reaching the sensibilities of the plain people had the advantage over Morton. His favorite exclamation, "I thank God from my heart of hearts," etc., was at least a partial foil to the merciless cut-and-thrust of his greatly superior antagonist—in ability and wit. But again Morton, by cruel fate and more cruel manipulation of the returns, just missed his prize, as the official count of the vote shows: "For the constitution 3,938; against the constitution, 3,838. For congress Turner M. Marquett, 4,110, Dr. John R. Brooke, 3,974; for governor, David Butler, 4,093, J. Sterling Morton, 3,984; for secretary of state, Thomas P. Kennard, 4,075, Charles W. Sturges, 3,945; for auditor of state, John Gillespie, 4,071, Guy C. Barnum, 3,968; for state treasurer, Augustus Kountze, 4,099, Saint John Goodrich, 3,955; for chief justice, Oliver P. Mason, 3,936, William A. Little, 4,040; for associate justices, George B. Lake, 4,108, Lorenzo Crouse, 4,027, Benjamin E. B. Kennedy, 3,962, Edward W. Thomas, 4,017. It will be seen that one democrat, Little, was elected by a majority of 104. The vote of the First regiment, Nebraska volunteer cavalry, was 134 for and 32 against constitution.

There was a wholesale emigration of the soldiers of the First Nebraska regiment to their homes in Iowa, Missouri, and other states after having voted in Cass and other

counties. They voted for Stone in Iowa the year before, and "never pretended to be citizens here."

Mason was the only candidate on the "union" ticket who was defeated, though Crouse escaped only by the narrow margin of ten votes. While the apology for Mason's misfortune may have been colored by the propitiatory exigency of his party organ, it yet throws an interesting light on two prominent politicians of that day:

Mason is a tried and true union man; he has encountered the enemy in many instances during the recent rebellion where it was considered dangerous to openly denounce treason; where traitors stood thick around him, threatening him with violence for his plainness of speech. And it was on this account more than any other that the terrible effort was made to defeat him for chief justice, and also that Mr. Little, the most popular democrat in the territory became his competitor.

The vigor with which the "loyal" shibboleth was sounded in the campaign of 1866 is illustrated by the charge that Dr. Brooke, of Salem, democratic candidate for member of Congress, lamented that his son enlisted in the union instead of the rebel army. The substantial ground of opposition to statehood was the dread of the still impecunious people of foregoing the paternal appropriations of the federal Congress for the support of the territorial government and undertaking the formidable responsibility of self-support under the increased expense of state government. This principal objection that a population of only 40,000, and in straitened circumstances, could not bear the burdens of state government was both strong and effective; but the objectors could not then see into the very near future when the advent of the two pioneer railway systems was to mark the real beginning of immigration, and such rapid rise of the commonwealth in population and importance as should require the advantages and deserve the dignity of statehood.

The chief stimulus to the opposition of democratic leaders was tactical. In the beginning of the campaign the Nebraska *Statesman*, which supported the democratic ticket



J. W. Gilbert

[NOTE—J. W. Gilbert was one of the organizers of Saline county, Nebraska, and member of the legislature.]

but favored statehood, urged this view of the case.

We know we have the evidence to prove what we say, (and if we have not, Hon J. S. Morton has the best of proof in his own pocket), that the reason of the opposition of leading men in our party to the state movement is wholly and solely due to the fear they have that the democratic party has not the strength to elect a majority of the state legislature at the June election. We know that far from really believing anything irregular in the plan of a legislative made and submitted constitution that these leading men did advise, and that nearly if not all of the democratic members of the last assembly would have voted for, the constitution, then and there, if the vote on the adoption of the instrument had been separated from the election for state officers, carrying the latter over to the October election, so that the party could have been put into good training for success at that time. Any democrat who is candid, who was about Omaha during the last days of the session, knows these facts and will reiterate them.

While the republicans could urge with candor the advantages of the increased prestige and influence of statehood — and particularly the value of having three representatives in Congress entitled to vote, touching still unsettled questions concerning the Union Pacific railway — yet their chief object was the honors and emoluments of congressional membership. It was estimated that, "counting from Hitchcock up, and from Marquett down, any ordinary observer can count at least forty persons who aspire to senatorial and still higher honors." In the spring of 1866 the *Herald* listed among the aspirants to the senate, Kellogg, Saunders, Redick, Thayer, Paddock, and Tipton; and, factionally classed, "Kellogg is for Johnson, Paddock leaning that way, Saunders against, Thayer, Redick and Tipton not well placed, Butler on both sides, and Edward B. Taylor, ring-master or big Indian."

The same journal called the faction which was defeated in the first senatorial contest the Taylor-Saunders-Irish party, and Judge Elmer S. Dundy, so far as his innate wariness permitted him to disclose his attitude, hung on the outer edges of this faction.

The *Herald* at this time also refers to John

I. Redick as a renegade democrat, now so radical that "he would eat the tails of African rats and thrive on the diet."

To men whose lives were pent up in the desert-like aloofness from the important world those ambassadorships to Washington must have seemed dazzling prizes indeed, and they awoke the covetous ambition of the unfit and unworthy as well as of the capable, strong, and worthy.

The disgraceful record of elections and election contests in the territory finds a fitting climax in the exclusion of the vote of Rock Bluffs, a precinct of Cass county. But there was still so limited a public, and, in consequence, such paucity of public opinion, that the selfish aspirations of a comparatively few politicians were paramount and almost unrestrained; so that, when it was ascertained that manipulation of local election returns somewhere was necessary to insure a republican majority on joint ballot in the legislature, Rock Bluffs precinct was selected as the most promising field of operation. The reports of the committees of the two houses of the legislature give the history of the Rock Bluffs procedure, and the deep impression of its political and moral significance on the mind and conscience of the commonwealth is still uneffaced. Its immediate practical result was the choice of Crouse instead of Thomas as judge of the supreme court and the election of Thayer and Tipton as United States senators, instead of Morton and Poppleton, by a joint vote in the legislature of 21 to 29.

The discerning reader will without much difficulty draw his own conclusions as to the animus and the right or the wrong of throwing out of the vote of Rock Bluffs precinct and of counting the soldier vote, from the reports of the committees of the first state legislature and the address to the public, written at the time by James M. Woolworth, and signed by twenty-one members of the legislature. The following is a verbatim copy of the address as published in pamphlet form:

On the 19th of April, 1864, Congress passed an act authorizing the people of Nebraska to form a State government. The act provided for an election in May, of members of a con-

vention which should assemble on the fourth of July, and frame a constitution. This instrument was to be presented to the people for their adoption or rejection, in October. The act did not provide for taking the sense of the people upon the fundamental question, whether or not they would become a State. But they asked it and answered it, and in this way: In the election for members of the convention, party lines were not drawn. On one side, candidates favorable to State organization were nominated; on the other, candidates who were pledged to vote for an adjournment, *sine die*, as soon as the convention was organized, and before it proceeded to business. The result was, two-thirds of the members elected were favorable to adjourning, and they were elected by very large majorities. For instance in Douglas, one of the most populous and wealthy counties in the Territory, but forty-five votes were cast for State organization. No record of the election was preserved, but we believe the majority was proportionately as large elsewhere as in that county. Accordingly, when the convention assembled on the fourth of July, 1864, it organized by the election of its officers, and immediately thereupon adjourned, *sine die*.

Springing the question. This emphatic expression of popular will, as was generally supposed, laid State organization at rest. At the general election in October, 1865, it was not even suggested. In its platform, adopted at a territorial convention, for nominating candidates for auditor and treasurer, the Republican party did not mention the subject. The Democrats in a very emphatic resolution, declared against any movement which did not provide for taking the popular vote on that subject, divested of all other issues, and before any step was taken towards framing a constitution. Had it been supposed possible that the territorial legislature would draft a constitution, many men who succeeded in obtaining an election to it, would have failed to receive so much as a nomination. For instance, in the delegation from Otoe county were O. P. Mason and J. B. Bennett of the Council, and J. H. Maxon of the House. These gentlemen, after the legislature assembled, showed themselves to be very ardent friends of the scheme for that body making a State of Nebraska. And yet their county rejected their constitution by a majority of over four hundred votes. So, too, the Cass delegation supported the measure, and their county gave a majority of three hundred and twenty-five against it. Not one of them could have been elected if they had been known to favor State organization.

But after the election the plan was developed. It was proposed now, for the first time, that the legislature should resolve itself into a convention, draft a constitution, and organize a State government. Conscious that such action was an exercise of powers confided to that body neither by the law nor by the people, the attempt was made to obtain petitions numerously signed, praying the two houses to perform this extra service. These petitions were in large numbers sent out of the "executive office," into all parts of the Territory, accompanied by letters urging the parties receiving them to circulate them generally in their neighborhood, obtain signatures and return them. The measure was prosecuted with great energy. Nearly every citizen in the Territory was solicited to sign one of these petitions. With all these efforts only about six hundred names were obtained. The attempt to give the scheme the appearance of a popular movement was confessedly abortive, so that the petitions were never made an apology for the action of the legislature.

The action of the legislature. At the opening of the session, a decided majority of the members of the House were opposed to the measure. Among the Republicans, many were determined in their opposition. All the federal officials, Governor Saunders, Chief Justice Kellogg, Secretary Paddock, Indian Superintendent Taylor, and others, made a party question of it. It was given out that no man who opposed it could expect or should receive recognition in the party. Meeting after meeting was held and the matter urged by all the eloquence and sophistry possible, while private conversations were converted into appeals and private bargains. One by one was won over — promises of office and of contracts and yet more tangible influences doing the work. Chief Justice Kellogg, Secretary Paddock, Mr. Mason and two or three others, now set themselves to draft the constitution which this legislature should adopt. In the calm and undisturbed retirement of private rooms, and under the protection, from interruption, of locks and keys, these gentlemen pursued their work. They produced an instrument suited to their purposes, which the legislature was to adopt at their discretion. Its chief merit was that it provided a cheap government. According to their estimates, its annual expenses would not exceed over twelve thousand dollars. Not a single State officer, except the judges, was to receive as much as a hod carrier's earnings. The people, it was insisted, were able to support a State government, but were not willing to pay their officers respectable soldiers' pay for their services. A respectable State gov-

ernment would, they argued, frighten the people and they would reject the constitution. A cheap government of cheap men answered the purpose designed, inasmuch as the senators in Congress are paid by the United States.

On the fourth day of February, 1866, their constitution was introduced into the Council, accompanied by a joint resolution in these words:

Resolved, By the Council and House of Representatives of the Territory of Nebraska, That the foregoing constitution be submitted to the qualified electors of the Territory, for their adoption or rejection, at an election hereby authorized to be held at the time and in the manner specified in the seventh (7th) section of the schedule of said constitution, and that the returns and canvass of the votes cast at said election be made as in said section prescribed.

The constitution was not printed for the use of either house. No amendment was permitted to one of its provisions. A strenuous effort was made to obtain an amendment separating the election upon the adoption or rejection of this instrument from that for State officers; but the decisive answer was, candidates for office under the State organization will support the constitution. The effort therefore failed. On the 8th the resolution passed the House, and on the 9th was approved by the governor.

In the contest proceedings in Cass county it had been stipulated that the testimony taken in the case of Cooper against Hanna should be used in the other senatorial contest and in the contest over seats in the house of representatives. It is said that by accident or oversight this stipulation was not placed on file, though it appears that it was at least verbally agreed to. It will be seen on reading the reports of the several committees of the legislature that they took advantage of this technical irregularity, and five of the six contested seats were awarded to the republicans, wholly without consideration of the facts. Probably nothing more, and certainly nothing less, should be said of this procedure than that its audacity was worthy of a better, while its shameless inequity and downright dishonesty would have disgraced even a worse cause.

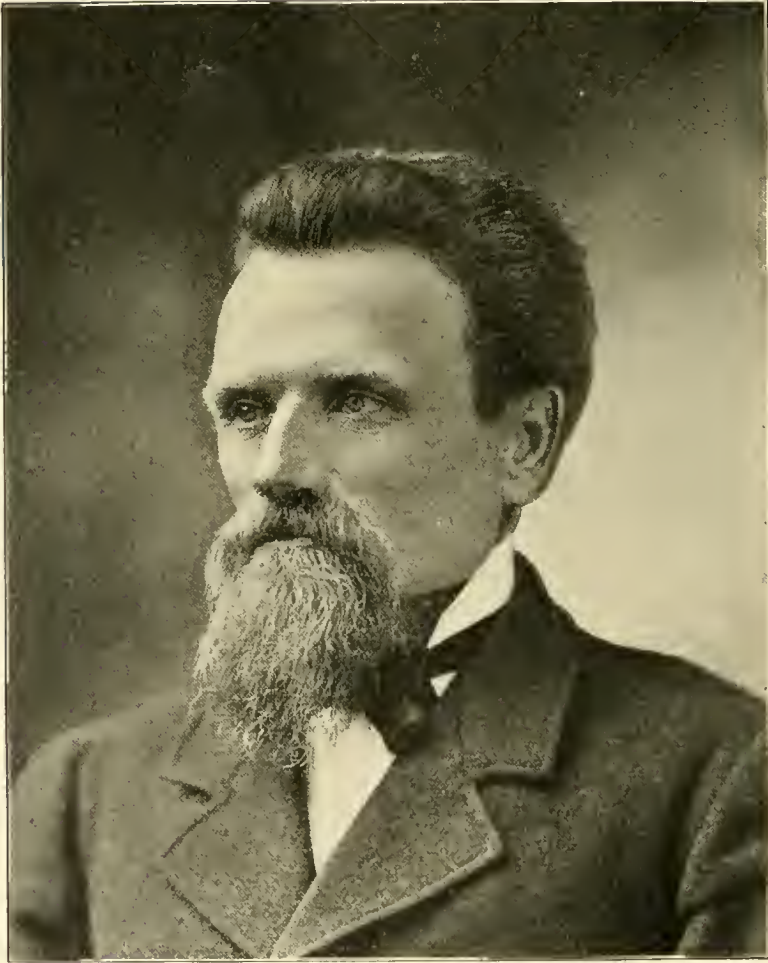
The four democratic candidates for membership in the house from Cass county were clearly entitled to seats, barring the technical irregularity on the part of the Rock Bluffs

election officers, but against whom no fraud or intention of fraud was shown. By principle as well as by usual practice the house was in duty bound to disregard the technicalities and award the seats to those candidates who had the majority of the fairly cast votes. If the four democrats of Cass county had been seated in the house, on joint ballot for United States senators there would have been a democratic majority of one, at least; and according to the statement of a contemporary republican newspaper that three democrats contributed to the 29 votes for the republican candidates, the democrats would have had 28 votes and the republicans 22.

Cass county had voted overwhelmingly against the state constitution, and this fact no doubt emboldened the members from that county to attempt to palliate the heinous Rock Bluffs offense and thus appease the righteous indignation of a large majority of their constituents by agreeing to adjourn without action, and thus defeat the election of United States senators, which was the sole object of the session. But to the surprise of the other members of the delegation, on the roll call, Chapin and Maxwell smoothly failed to carry out their pledge. When the other members of the delegation discovered the trick they changed their vote and the republican plan was consummated.

But due consideration of prevailing political conditions at this time would preclude the conclusion which has been generally reached, that if the votes of Rock Bluffs precinct had been counted the first two United States senators from Nebraska would have been democrats. It is rather to be presumed that if democratic senators had been chosen the admission of the territory into the Union would have been postponed till a more convenient political season.

By this time the breach between the stalwart republican majority in Congress and Andrew Johnson was complete and beyond repair, and the republicans of Nebraska, in the main, followed the eastern leadership. In October, 1865, Edward B. Taylor, editor of the *Omaha Republican*, but also superintendent of Indian affairs, and who had given strong

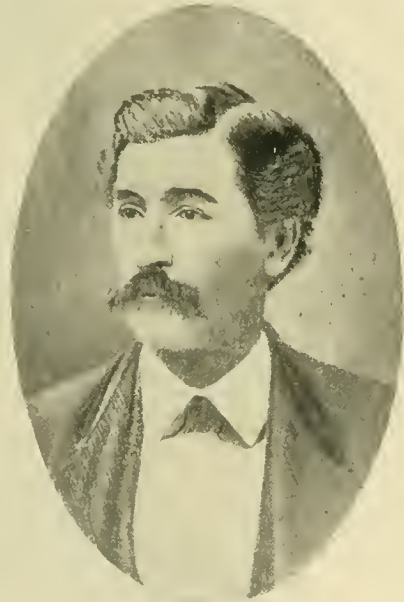


H. P. ANDERSON
Farmer and banker, Dunbar, Nebraska

editorial support to Johnson's policy, retired from the editorship, and he was succeeded by General Harry H. Heath, who continued the pro-Johnson policy. On the 13th of April, 1866, the *Republican* announces that Saint A. D. Balcombe has bought a half interest in the paper and will be business manager; and in this number the political policy is changed and thenceforward it is the aggressive, thick-and-thin organ of the stalwarts as against Johnson. The *Advertiser* does not find it necessary to change editors, but as soon as the party tide goes against Johnson the editor unresistingly goes with it against Johnson, too.

The process of fusion between Johnson republicans and democrats was formally completed in the summer of 1866, though its course was by no means smooth. In the early fall a Johnson club was formed at Dakota City, with Thomas L. Griffey, the well-known democrat, as president. A meeting to form a Johnson club was held at Omaha in July, at which Judge Kellogg presided and James G. Chapman was secretary; but, as a result of a wrangle over the articles or resolutions, the democratic leaders, including Poppleton, Miller, and Woolworth, withdrew, and only eight signed the articles of the club. George Francis Train and Judge William F. Lockwood were elected delegates to the Philadelphia fusion convention which undertook to organize the national union party. The democrats of the legislature had chosen Morton and Poppleton as delegates, and the Plattsmouth convention, September 11th, chose General Harry H. Heath, James R. Porter, and Colonel John Patrick. There were three sets of delegates at this convention, one headed by Morton, another by George Francis Train, and a third by Edward B. Taylor. Morton and General Harry H. Heath were appointed members of the executive committee of the new party. General Heath had succeeded Taylor as editor of the *Republican* and had held that post as lately as February, 1866. For some reason Taylor's loyalty to the office-dispensing power was futile, for on the 6th of the following November his removal from the office of superintendent of Indian affairs was announced, as also that of Colonel Robert W.

Furnas from his office as agent of the Omaha Indians, Captain Lewis Lowry, "a copperhead," according to the *Republican*, succeeding him. The *Republican* complained that Tuxbury and Reed, "two of J. Sterling Morton's Vallandighammers, of the most violent kind," had been appointed as register and receiver of the land office at Nebraska City, the republican incumbents having been removed. But early in the next year the Senate rejected these appointments, as also that of Thomas W.

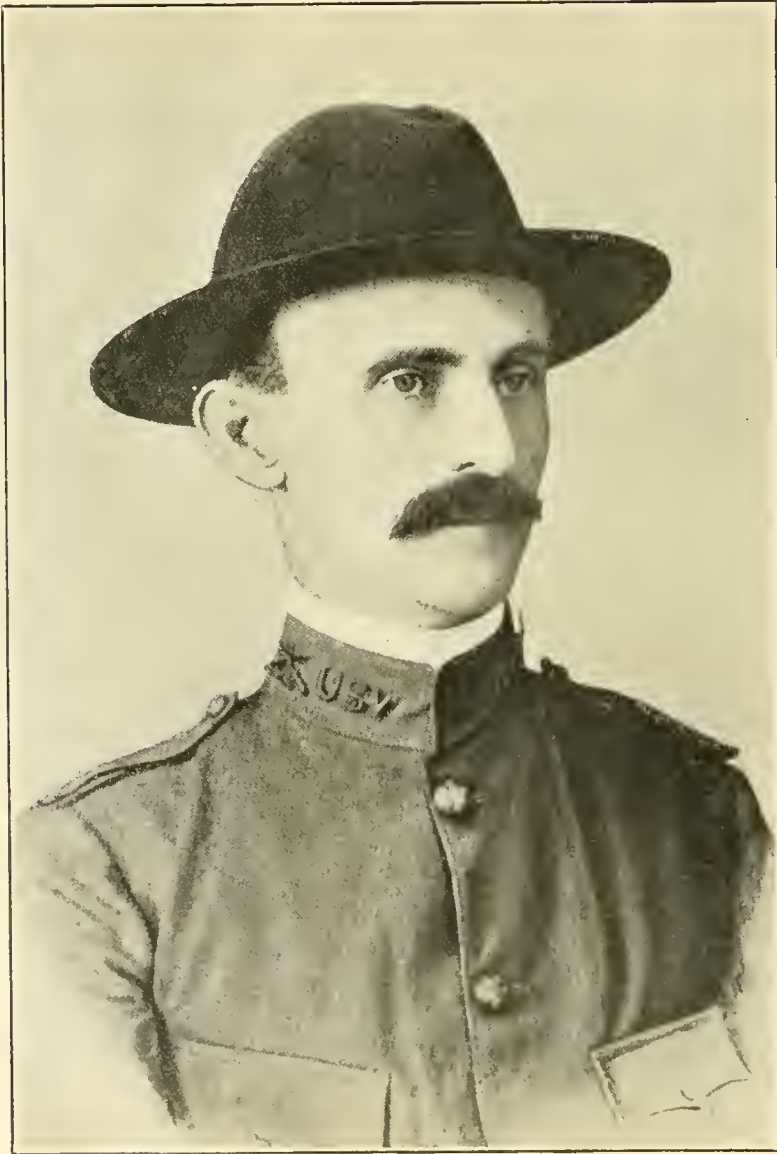


WILLIAM FRANKLIN CHAPIN

Prominent in politics and early Nebraska history

Bedford as register of the land office at Brownville. Charles G. Dorsey was appointed register of the land office at Brownville by President Johnson in 1865. In November, 1866, the president appointed T. W. Bedford, who was a captain in the union army, in Dorsey's place. On the 8th of February the Senate refused to confirm the appointment, but Bedford obtained a writ of replevin from the district court and gained possession of the office and its contents. Public officers are often summarily ousted, but it is seldom that one is summarily injected into office as Captain Bedford was. The Nebraska City *News*, J. Sterling Morton editor, relates how it was done:

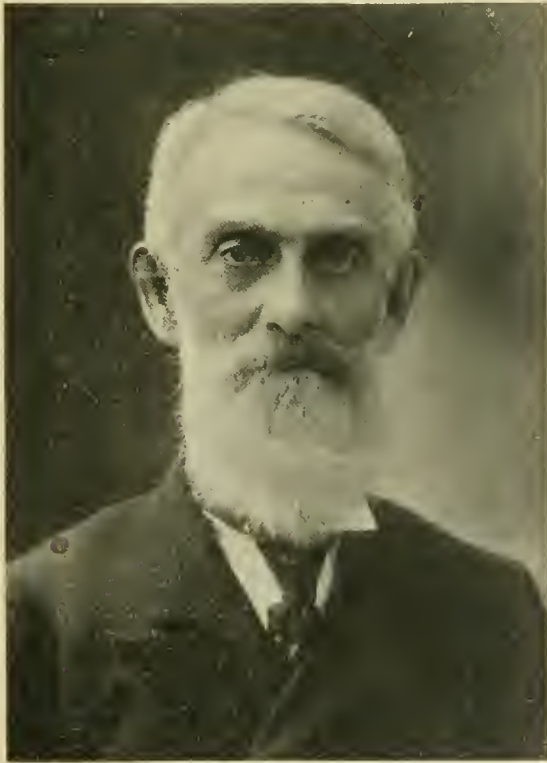
Captain Thomas W. Bedford was duly in-



COLONEL JOHN M. STOTSENBERG
Killed in action in the Philippines, April 23, 1899

augurated as register of the United States land office on Friday, February 15th, 1867. The interesting ceremony was efficiently conducted by Deputy U. S. Marshal Dwight. Mr. Dorsey retired with ineffable grace, and his valedictory remarks are said to be quite moving. The predictions of the *News*, so far as Dorsey's exit was concerned, have been verified. When Andrew Johnson concludes to appoint land officers in Nebraska he seems to pay but little regard to the personal comfort or courage of Mr. Dorsey.

A short time before this, Bedford attempted to gain possession of the books of his of-



SAINT ANDRE DURAND BALCOMBE
Pioneer Editor of Omaha

fice from the old incumbent by means of a writ of replevin issued by Henry C. Lett, the well-known democrat, and then mayor of Brownville. But the nerve of the deputy sheriff who undertook to serve the writ deserted him, and the scheme failed. After having been thrown out of the United States senatorship — which he had fairly won — by the "state" legislature at the first session in July, Morton proposed in the *News* the fol-

lowing course: "The questions for the Nebraska democracy to consider in relation to this matter are of vital importance. Shall we not put upon our tickets this next October election the words: 'For an enabling act and a constitutional convention. Against Thayer and Tipton. Repudiation of the Butler oligarchy?'"

The "union" territorial convention was held at Brownville on the 6th of September, and Oliver P. Mason was chosen president and Daniel H. Wheeler of Cass county and John T. Patterson of Richardson county secretaries. The principal candidates for nomination for member of Congress were Dwight J. McCann, Alvin Saunders, John Taffe, and Isham Reavis. Oliver P. Mason received twelve votes on the informal ballot, and his name was then withdrawn. On the fifth formal ballot John Taffe of Douglas county was nominated, receiving 33 votes against 32 cast for McCann. The committee on resolutions, consisting of John M. Thayer, Amos J. Harding, George Vandeventer, Ebenezer E. Cunningham, Hiram D. Hathaway, Leander Gerrard, John Taffe, Nathan S. Porter, and William W. Washburn, reported a platform consisting of the proposed 14th amendment to the Constitution of the United States with the following addition:

Resolved, That loyalty shall direct and control the destinies of this nation.

Resolved, That the soldiers of the union who have saved this nation from destruction by armed traitors, shall, in the future, as in the past, have our hearty co-operation and unflinching support, and that we are deeply sensible to the fact that the people of this republic can never fully discharge the debt of gratitude which they owe to the union soldiers and sailors whose self-sacrificing patriotism and blood have preserved constitutional liberty upon this continent.

Mr. Taffe in accepting the nomination declared that he was unswervingly opposed to the Johnson policy. Turner M. Marquett was nominated for delegate to Congress on the first ballot, receiving 39 votes against 25 for Oliver P. Mason and 1 for John Taffe. Mr. Marquett had been chosen member of Congress at the provisional state election held in



ISHAM REAVES

Associate justice for supreme court of Arizona, 1869-1873

June, but President Johnson had in the meantime refused to approve the bill for the admission of the territory as a state, passed in July. While, therefore, the delegateship was intrinsically lesser, yet it seemed at this time the surer of the two offices; and for Marquett the change might be a reduction or a promotion according to one's political forecast. John Gillespie and Augustus Kountze were again nominated by acclamation for the offices of auditor and treasurer respectively, and Robert S. Knox for librarian, also by acclamation.

The call for the democratic territorial convention to be held at Plattsmouth, on the 11th of September, invited all to participate "who favored the reconstruction policy of the president and complete restoration of the states to their rightful position in the union at the earliest practicable moment, and are opposed to the disunion policy of Congress."

The Philadelphia national union convention had endorsed or accepted the results of the war, but, while denying the right of any state to withdraw, also denied the right of any state or convention of states to exclude any state or states from the union. The *Omaha Herald* expressed its readiness to unite with all men who agreed with the Philadelphia declarations, and was anxious to realize the best practical results through the coming Plattsmouth convention. The democrats were thus only a little less cosmopolitan and comprehensive in their call than the republicans were in the enlarged name of their party. And so the *Republican* facetiously analyzes the Plattsmouth "national union" convention as composed of seven office-holders, three office-seekers, three democrats who "don't like Tipton, and two in the wrong boat."

The democrats and Johnson republicans had simultaneous, but separate conventions, the first held upstairs and the second downstairs, in the same building — and their mode of procedure exactly anticipated that of the fusion parties of Nebraska at a later date. Dr. Andrew S. Holladay, postmaster of Brownville, presided over the Johnson convention and Theodore H. Robertson over the democratic convention. We are told that

Judge Lockwood appeared in the democratic convention and reported that the "conservative" or Johnson convention "accepted implicitly the resolutions of this (democratic) convention, and would heartily endorse its action and nominations." The democrats nominated J. Sterling Morton for delegate to Congress, Frank Murphy for auditor, and Andrew Dellone for treasurer. The Johnson convention nominated Algernon S. Paddock for member of Congress and Robert C. Jor-



ISAAC S. HASCALL
Pioneer lawyer and legislator

dan for librarian. Both conventions — or wings of a convention — endorsed the resolutions and address of the Philadelphia convention.

The Plattsmouth *Democrat* censured the leaders — Morton, Miller, Poppleton, and Woolworth — for bad tactics, insisting that James R. Porter of Cass county should have been nominated instead of Mr. Morton. The opposition organ styled the distinguished democratic leader as, "J. Sterling Morton, the worst copperhead and rebel Nebraska affords," alleged that Colonel Patrick wanted a mild union democrat like James R. Porter, but



WILLIAM V. ALLEN
United States senator, 1893-1899



SILAS A. HOLCOMB
Governor of Nebraska, 1895-1899

Morton, Miller, Woolworth, and Poppleton beat him and forced Morton on the ticket. Even the suavity and all-embracing friendliness of Secretary Paddock's deportment failed to stay the poisoned shafts of the "loyal" party organs. The *Republican* charges that,

He has deserted the republican party in the time of its most severe trial, in its efforts to restore this union upon a firm basis, and allowed himself to be used as the standard-bearer of the copperhead and rebel party. He was a professed republican a few weeks since, and rested his claims to the highest office within the gift of our people with a radical legislature upon radical assurances. He was



LORENZO CROUSE
Eighth governor of Nebraska

beaten. He went with unseemly haste to Washington and secured his reappointment to the secretaryship of the territory, by far the most valuable office within it. Immediately upon his return he heads a movement with the expressed intention of disorganizing his old party; and today he is a nominee on the same ticket with J. Sterling Morton, a bitter, uncompromising Vallandigham democrat.

But if the *Republican's* pen was dipped in bitterness the *Herald's* was a fountain of gall, and even its defense was aggressive attack. As a sample Roland for an anti-Paddock Oliver the *Herald* notes that George B. Lake, "renegade democrat and African equalizer,"

tries to read Paddock out of the republican party. Attacking Thayer's vanity it says, "For weeks he has been so busy bragging himself into consequences that his activity has been tremendous."

George Francis Train entered the canvass as an independent candidate for delegate, and a list of names of thirty-one Irishmen urging him to remain in the contest was published. They favored him because he had "advocated so long the cause of Irish nationality." The remark that "Mr. Train has already done and is now doing more for the future advancement of Nebraska than any other man, or set of men, has done for it since it was organized as a territory," might be taken to lend color to a previous averment that the "program of Morton and Miller is Morton and Train for United States senators"; and a later one that "Train found that, after being encouraged by Miller, *et al.*, he was set aside for Morton, but he anticipated them by becoming an independent candidate." However, the *Herald's* puff was limited to Pacific railway purposes. While this most picturesque personage was very effective in his peculiar role, no one would have taken seriously a proposal to play him in an important political part, and if Morton and Miller put him aside once they doubtless did it twice; for he was probably embarrassing Morton's canvass, and so in a characteristic letter he withdrew from the contest. "When men," he says, "emancipate themselves from party, when voters regain their independence, when the people of Nebraska are more anxious to have me for their representative than I am to represent them, when an election can be carried without purchase, perhaps I may enter the field again."

We have another example of the humor of this remarkable campaign in the *Herald's* illustration of the anxiety of Kountze to be elected treasurer: "We never saw Kountze before when he could speak more than two languages. Yesterday we heard him using not less than six, including Danish, and he spoke each with equal fluency. Augustus is always very busy when there is anything pecuniary in sight." This second campaign of 1866, con-

sidering both the number and ability of those engaged in it and the aggressiveness with which it was fought, had not been equaled by any political canvass of the territory. The formidable array of old war-horses Miller, Morton, Poppleton, and Woolworth—old relatively speaking only, for they were really colts of thirty-five years or under—were reënforced by Paddock and Lockwood, with Judge Kellogg, an astute politician, in the background. Woolworth made speeches in this campaign, but refused to become a candidate for state senator.

Marquett, Mason, Taffe, Thayer, and Tipton were the most conspicuous republican orators, and they were ably reinforced by Orsamus H. Irish of Otoe and Isham Reavis of Richardson county, while Dundy "The Cautious," but of the longest head, kept more in the background, and his productive cunning in this instance presently brought him the appointment to the federal district bench by President Johnson and confirmation by the clashing Senate. Other able, and perhaps fitter, but certainly less astute aspirants were dashed against either this Scylla or that Charybdis. With the exception of course of George Francis Train's speeches, the inevitable joint discussion between Marquett and Morton—for a forensic duel was always insisted upon when Morton was candidate—was the striking feature of the campaign. While Marquett was no match for Morton in the positive sense, yet he was shrewd enough to appreciate, and witty enough to make the most of that disadvantage. Morton, in his usual aggressive style, consistently pressed Marquett to say whether he was for or against negro suffrage, but without effect; for suffrage sentiment in the territory was as yet either so conservative or so timid as to have placed the white restriction in the pending constitution whose acceptance republicans were urging upon Congress. Morton of course declared himself positively against negro suffrage, and thereby strengthened his character but weakened his vote. He also positively endorsed President Johnson's policy. Morton on the stump and Miller in the press took the

most aggressive ground against negro suffrage and the "disunion" conditions Congress was imposing on the return of the rebellious states to the Union. The republicans had little else to do but to cry "copperhead" and charge their opponents with intent to put unrepentant rebels in the saddle in the South. And in existing conditions the republicans won, almost as a matter of course.

The republicans nominated the same set of candidates for both territorial and state legislative tickets.

This was the last chance of the democratic party in Nebraska for many years; it required a generation of time for it to recover sufficiently from the disadvantages of the logic of conditions or of its own mistakes, so as to be able to make, single-handed, even a formidable campaign; and during that time republican majorities waxed rather than waned. It was also Morton's last chance; and it was chiefly a compliment to his prowess and not out of disrespect or wanton meanness that all the bitterness and vituperation, all the old-wives' tales, all the facts and all the fiction which the greed for office could summon or invent, were focused upon him. The republican press even raked up the scurrilous abuse which the democratic editors of Omaha heaped on Morton in the early days when he led the factional section of the South Platte. "J. Sterling Morton has long been a mark for the venom of political hatreds. No man in this territory has been more bitterly assailed in season and out of season. This has arisen in his independence of thought and action, and might have been expected." The *Herald* observed that Mr. Morton's loss by theft of two fine horses, one the favorite of his wife and children, "has brought out once more the venom and malignity which only political bloodhounds can cherish towards their opponents. Men and the press have openly rejoiced in his loss." But the very large vote which Morton received at home is illustrative of the fact that, in spite of his penchant for arousing enmity and opposition, those who knew him best never ceased to recognize in him great qualities which attracted them and

inspired admiration and respect. But he lacked entirely that essential quality of the successful practical politician which composes differences and placates enemies; and he proceeded upon the impracticable, uncompromising presumption that "he that is not for me is against me."

In the meantime the first, or provisional state legislature, which was elected in June, met on the 4th of July, proceeded to elect two United States senators, and adjourned on the 11th of the same month. But President Johnson having "pocketed" the admission bill which was passed by Congress, July 27th, the day before adjournment, it failed to become a law. Just before the passage of this bill in the Senate, Charles Sumner attempted to attach the same condition to it, respecting negro suffrage, which was afterward adopted; but his amendment received only five votes — those of Edmunds, Fessenden, Morgan, Poland, and Sumner. The bill passed by a vote of 24 to 18, all these senators voting with the democrats in the negative. In this debate the leading advocates of the bill were Nye of Nevada and Wade of Ohio, and its chief opponents were Hendricks of Indiana, Doolittle of Wisconsin (Johnson republican), and Sumner of Massachusetts. Sumner's primary objection to the admission measure was the suffrage-restricting word "white" in the proposed constitution. Doolittle, Hendricks, and Sumner pressed the objection of fraud in the election at which the constitution was adopted, and which had caused an investigation in the legislature. Mr. Doolittle adduced the statement of Isaac L. Gibbs, who was speaker of the house in the legislature of 1857:

The gentleman for whom I pledged my honor was a captain of one of the companies of the first Nebraska regiment, who stated to me that two of the companies of that regiment were raised in Iowa, and the soldiers of those companies voted in favor of this constitution while they were in the territory of Nebraska; that those same soldiers voted, on a commission from Iowa, for Governor Stone at Fort Kearney in Nebraska; that subsequent to this voting they have been mustered out and have gone home to Iowa where they reside. I say that for his statement, stated to me upon his

own knowledge, I do vouch for his honor as a man and a soldier.

In the House, Kelly of Pennsylvania pressed Rice of Maine to yield to him so that he might offer an amendment similar to that of Sumner, but Rice declined on the ground that if he should entertain such an amendment "it would be the means of killing the bill." A prediction then that at the end of six months negro suffrage sentiment would have so grown and crystallized and that republicans would have so far recovered their wonted confidence, after the demoralizing Johnson disturbance, that the state would be admitted with Sumner's amendments as an accepted condition, and by a two-thirds vote over Johnson's veto, would have seemed visionary.

The twelfth and last session of the territorial legislature convened in Omaha, January 10, 1867. The two districts comprising respectively Cedar, Dixon, and L'eau-qui-court, and Dakota, Cedar, Dixon, and L'eau-qui-court were not represented. Mr. Chapin of Cass county was chosen speaker of the house, receiving 23 votes against 11 cast for Mr. Baker of Lincoln county. The absence of Governor Saunders from the territory at this time gave Acting Governor Paddock an opportunity to deliver the message, which in its business aspect was creditable; but its closing bold appeal in behalf of President Johnson's reconstruction policy stirred the now dominant congressional faction of the Republican party to wrath, and drew a storm of protest from the party organs. The territorial treasurer had reported the remarkably large sum of \$23,324.56 on hand, and adding to this the tax levy for 1866, not yet collected — \$69,973.86 — the militia reimbursement appropriation by Congress, \$45,000, and delinquent taxes, \$26,983.24, and then making an estimated allowance for loss on delinquent taxes, \$10,000, and for possible disallowance of militia accounts \$8,000, the acting governor optimistically ventured to congratulate the territory on the possession of a surplus of \$61,810.22 above the indebtedness of \$85,471.44. The treasurer reported that during the current year he would have sufficient funds to redeem the outstanding warrants as well as

the bonded debt, and recommended the passage of a law compelling holders of warrants to surrender them. Here we have perhaps the first positive manifestation that orderly administration and general solvency and thrift have been attained—in fair measure, though by very slow growth.

The concurrent advent of the free homestead and corporation land grant systems already arouses jealousy and fear of abuses, and the message sounded a note of warning and alarm:

Wherever the lands are subject to location under this [homestead] law, the newly made cabin of the homestead settler is found; and it is not an extravagant estimate that another year will find one-twelfth of the population of the territory on homestead lands, and fully that proportion of our aggregate productions in the granaries of this class of our fellow-citizens.

It is then pointed out that it is "a very great hardship to the enterprising settlers in the valleys of the Nemahas, the Elkhorn, and the Loup Fork that the lands surrounding their homesteads should thus be tied up from actual settlement for the benefit of a corporation (the Burlington & Missouri River Co.) which contemplates the construction of a railroad through a section of country far removed from their homes." And then to the core of the question:

I do not doubt that if the evil effects of this baleful system of land grants were properly represented by you in memorials to congress some remedies for present evils might be applied; or at all events, some barriers placed against this rapid absorption of the public domain in the future by railroad monopolists and land speculators. We need every available acre in this territory, not already given away by the government for the construction of railroads and agricultural colleges in other states, for our own state endowments and for the industrious poor who, from all sections of the union, and from foreign countries, are coming to secure homesteads amongst us.

The governor then expresses his firm conviction that the whole country would be benefited if the Union Pacific railway company would at once exchange its lands for United States bonds, at a fair price, so that they might

be held exclusively for location under the homestead law.

The message urged the construction of a free bridge across the Platte river, for the old, familiar reasons:

The construction of a bridge over the Platte river is a much needed improvement. The crossing of this stream, always difficult, is at certain seasons of the year an utter impossibility, and communication between two great sections of the territory is for this reason extremely limited. A journey to the territorial capital from some of the most popu-



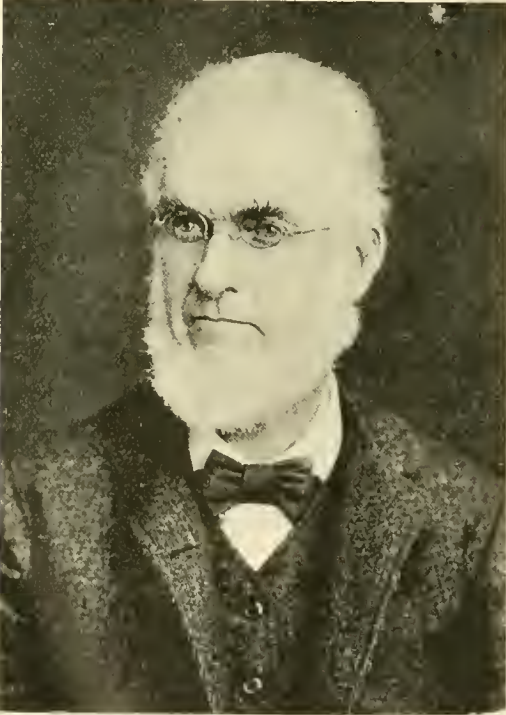
WILLIAM F. SWEESY
Prominent pioneer of Omaha, Nebraska

lous counties south of the Platte is considered quite as difficult to perform on account of the dangers and delays in crossing the Platte, as one to St. Louis—five hundred miles distant, and from the North Platte to Chicago is quite as cheerfully undertaken as one across the Platte into the rich grain-growing districts below it. Such an obstacle to commercial intercourse between the two sections should be immediately removed, if it is in the power of the people to do it. It is not at all strange that with such a barrier in the way of travel and commerce, the people

of both sections should not only lose their active sympathy for and interest in each other, but that they should be easily led into misunderstandings, jealousies, rivalries, and strife.

The fact that "a bridge," merely, was demanded illustrates the still limited progress of settlement westward from the Missouri river.

The message favored the admission of the territory as a state, but it reflected the conservatism of President Johnson as to the suffrage question, inasmuch as it "would give the



Engraving loaned by Nebraska State Historical Society.

THOMAS WESTON TIPTON
United States senator, 1867-1875

franchise to intelligence and patriotism wherever found, regardless of the color of its possessor."

The prospective glories attendant on the completion of the Union Pacific railway and the appeal for Johnson's reconstruction policy, under the head of "peace and union," are reserved for rhetorical exaltation in the still inevitable peroration. How perilously near — having regard to his later political preferment — Mr. Paddock came to being a democrat ap-

pears in the fact that he boldly questioned the expediency of the proposed 14th amendment to the Constitution: "If the amendment threatens to perpetuate hatred, strife and discord it should be abandoned at once, whatever sacrifices of cherished political dogmas or partisan prejudices are involved." It was stated that 262 miles of track had been laid on the Union Pacific road during the year, and it was now complete to the 305th mile post.

But "the big thing which has engaged the attention of our legislature since its organization has been the legislative printing." Since the republicans had been in control the secretary, following Morton's example, had placed the printing in the hands of a public printer virtually of his own choosing without clash with the legislature; but now the Johnson schism stimulated Secretary Paddock to place it with printers of his own faction — the Barkalow brothers — whom the *Herald* speaks of as "two conservative young republicans." A resolution, introduced by Abbott, directing the chief clerk of the house to procure the printing of the laws, journals, messages, rules, bills, and other incidental papers of the two houses, was defeated. This move was in the interest of Mr. Balcombe, the orthodox editor of the *Republican*. A. F. Harvey, in speaking against the resolution, related that Secretary Morton had successfully resisted E. D. Webster's attempt to control this printing in the same way in 1860-1861, and that Mr. Dix, secretary of the treasury, had decided that the legislature had no authority whatever over it. This decision had been acquiesced in ever since and Secretary Paddock had given out the printing wherever he wanted to. The *Republican*, furious at the loss of this patronage, made scurrilous attacks on Paddock in which "apostate," "renegade," "traitor," "light-top-gear," and "weakmind," were the more moderate epithets. The *Herald* retaliated with attacks to match on the record of Mr. Balcombe, publisher of the *Republican*, as agent of the Winnebagos. The *Advertiser* interjected that "the secretary of the territory has always controlled this printing since its infamous usurpation from the legislature by Morton," and scolded the *Republican*

for "spreading it on (Paddock) too thick for the occasion," offering as a salve that hoary and paradoxical characterization of politicians: "As an officer he is sound, as a citizen he is a gentleman, as a politician he is rotten to the core." And yet so smooth was Paddock's exterior political finish that such poisoned darts glanced from it harmless, as he pursued his way to two elections to the United States Senate by the orthodox Republican party. The contrasting orthodoxy of Senator-elect Thayer appears in a note to the *Republican* in his protest that he had not tried to persuade the "acting-president" to sign the Nebraska state bill; "I abhor the course, the 'policy,' and the treachery of Andrew Johnson."

Republicans at this session consumed much valuable time in the empty enterprise of making a record on the question of negro suffrage. A bill to remove distinctions in the school laws on account of race or color was the subject of a heated contest. It passed the house by a vote of 25 to 10, and the council by 10 to 3, but was vetoed by Acting Governor Paddock. Mr. Harvey, democrat of Otoe county, for the purpose of putting ardent suffrage reformers on record, introduced a resolution declaring that the members of the house are in favor of "impartial and universal suffrage, and believe fully in the equality of all races, colors, and sexes at the ballot box." This was amended so as to declare simply for impartial suffrage, and then passed by a vote of 22 to 9. Another resolution introduced by Mr. Harvey, thanking President Johnson for his veto of the Nebraska enabling act, was defeated 21 to 13. Negro suffrage was at last adopted at this session by striking out the restrictive words "free white" from the election law; though amendments to the bill by Doane striking out the word "male," and providing that no negro or Indian, who could not read the Constitution of the United States and write his own name, or did not possess property to the value of \$250, should be entitled to vote, were defeated by only 7 against 6.

This legislature was not prolific of enactments, and in the case of general laws was almost barren, partially because the preceding

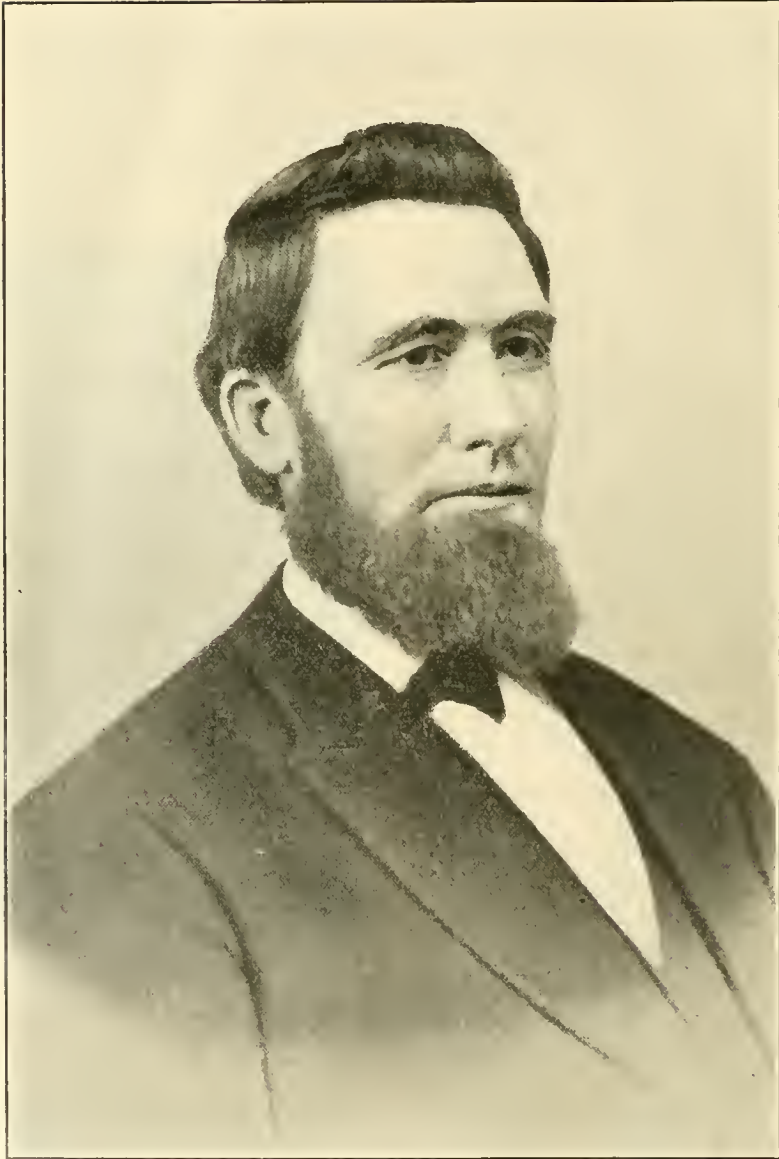
session had at last completed a tolerable revision of former laws, and largely because time and attention were given to factional squabbles with the temporarily aberrant Secretary Paddock over petty printing spoils, and to such facetious partisan measures as the enfranchisement of imaginary negroes. There were no well-known, recognized leaders of the republican party in either house, for the reason, doubtless, that they were all striving for the higher congressional and judicial places which would be opened by the coming admission to



JOHN MELVIN GRAHAM

statehood. The partisanship of this session had, perhaps, been whittled down the smaller to conform to these conditions.

The special enactments of interest authorized the city of Omaha and the city of Bellevue, respectively, to raise \$100,000 to be used in securing the construction of a railway bridge across the Missouri river at each place. This was but the preparation for Bellevue's last, and, as the event proved, death struggle. Omaha was to win the bridge, but at a cost to which this proposed gratuity was a bagatelle. The organization and the last election of officers of Saline county were legal-



DAVID BUTLER
First governor of Nebraska

ized; Lincoln county was attached to the first judicial district; Saunders county was detached from Cass to which it had been joined for judicial, election, and revenue purposes; the sixteen townships east of Jefferson county and lying adjacent to the same, known as Jones county, were annexed to Jefferson county, and the officers of Jones county were authorized to remain as officers of Jefferson county until their successors should be qualified; the name of L'eau-qui-court county was changed to Emmet, provided the electors of the county should vote at the next general election in favor of the change; and the limits of the new counties of Clay, Webster, Hamilton, Adams, and Franklin were defined.

But this session was prolific of joint resolutions. The first of these was a sop to Congress for admission, and it declared that the legislature favored the adoption of the pending amendments to the federal Constitution, and that in case they should be "submitted to us as the legislative assembly of the state of Nebraska we would immediately ratify the same." Another prayed for the establishment of a fort or sub-military post on or near the Republican river at some point between Turkey creek and Beaver river, for the protection of "southwestern Nebraska, as well as northwestern Kansas, from the threatening invasions and barbarous outrages of roaming tribes of desperate savages, who frequent all that superb scope of country south of the Platte and north of the Arkansas river, and prohibit the ingress of the white man." Another prayed for a bounty for the Nebraska volunteers of the Civil war which should place them on the same footing as soldiers from the states for whom the federal government had provided additional compensation in the nature of bounty money; or, in lieu of money, a grant of 160 acres of public land was requested. At this early period Congress was requested to extinguish the Indian title to the Otoe reservation and throw it open to settlement. Another resolution congratulated the managers of the Chicago & Northwestern railroad company on the completion of its line "within a few miles of the eastern boundary of the territory of Nebraska." When it

was too late to become available on account of the admission to statehood, the lifelong prayer of the territory for an appropriation for a penitentiary had been granted, and the legislature in a joint resolution thanked Mr. Hitchcock, the delegate in Congress, for his mediatorial efforts to obtain an answer to the oft-repeated legislative petition.

This last territorial legislature adjourned, finally, February 18, 1867, and it ended as spectacularly and frontier-like as the first had begun. The republican majority had passed an apportionment act which took a councilman away from democratic Otoe county and added one to Nemaha and Richardson. A new bill was offered as a substitute, but on account of dissatisfaction in a North Platte district it could not be passed. The whole scheme of reapportionment was killed through the timely arrival of Rolfe of Otoe who was immediately sworn in. The *News* gives this graphic account of the summary action: "A precedent was read from Jefferson's manual; a motion was made removing the speaker which was put and carried so quick that he did not know what hurt him; he drew a pistol—the sergeant-at-arms drew his sword,—the speaker vacated the premises—a new speaker (Abbott) was elected. Mr. Rolfe was sworn in by Governor Saunders at about ten o'clock at night. The apportionment bill was killed, and the law-making machine began to go as though it had been greased and did more business in an hour and a half than had been done before in a week."

Mr. Rolfe, who lived until very recently, an exemplary citizen of Otoe county, described the revolution in the following nutshell:

Omaha, Feb. 16, P. M.,

J. S. Morton: Just had a legislative row—Chapin is deposed and Abbott is in the chair—pistols were drawn by the opposition, but they had a scarcity of nerve. We have busted them.

ROLFE.

On the third day of the second session of the Thirty-ninth Congress, December 5, 1866, Senator Wade of Ohio introduced a bill (Senate file No. 456) for the admission of Nebraska into the Union, and it was passed on the 9th of January following by a vote of 24

to 15, with the following amendment offered by Mr. Edmunds of Vermont:

And be it further enacted, That this act shall take effect with the fundamental and perpetual condition that within said state of Nebraska there shall be no abridgment or denial of the exercise of the elective franchise or of any other right to any person by reason of race or color, excepting Indians not taxed.

On the 15th of January the House passed the bill by a vote of 103 to 55 after adopting the following amendment, offered by Mr.



JACOB E. FREY

Early settler, Richardson county, Nebraska

Boutwell of Massachusetts, as a substitute for the Edmunds amendment:

Strike out the third section in the following words: *And be it further enacted*, That this act shall take effect with the fundamental and perpetual condition that within said state of Nebraska there shall be no abridgment or denial of the exercise of the elective franchise, or of any other right to any person by reason of race or color (excepting Indians not taxed.) And insert in lieu thereof the following:

And be it further enacted, That this act shall take effect with the fundamental and perpetual condition that within said state of Nebraska there shall be no abridgment or denial of the exercise of the elective franchise or of any other right to any person by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the legislature of said state, by a solemn

public act, shall declare the assent of said state to the said fundamental condition, and shall transmit to the president of the United States an authentic copy of said act, upon receipt whereof the president by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the state; and thereupon, and without any further proceeding on the part of congress, the admission of said state into the union shall be considered as complete. Said state legislature shall be convened by the territorial government within thirty days after the passage of this act, to act upon the condition submitted herein.

The following day the Senate concurred in this amendment. On the 29th of January President Johnson vetoed the bill on the ground that the part of it composed of the Boutwell amendment was unconstitutional, and he suggested that the conditions ought to be submitted to a vote of the people.

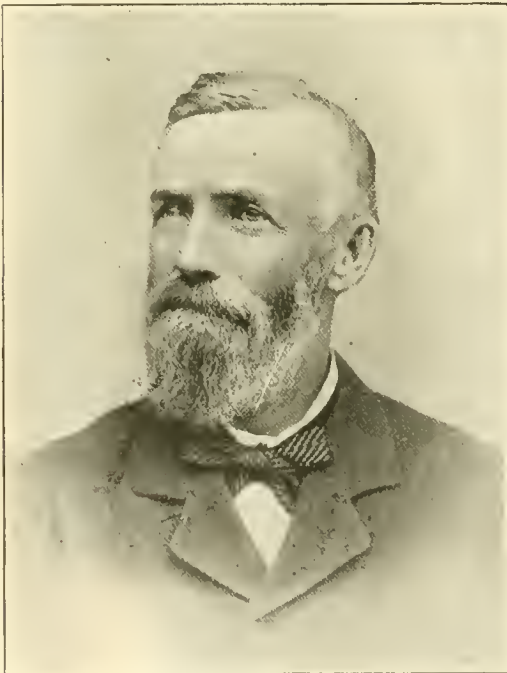
On the 8th of February the bill was passed in the Senate over the President's veto by a vote of 31 to 9. The nine in opposition were Charles R. Buckalew of Pennsylvania, Garrett Davis of Kentucky, James R. Doolittle of Wisconsin, LaFayette S. Foster of Connecticut, Thomas A. Hendricks of Indiana, Edwin D. Morgan of New York, Daniel S. Norton of Minnesota, David T. Patterson of Tennessee, and Willard Saulsbury of Delaware. Four of these — Doolittle, Foster, Morgan, and Norton — were republicans, and Foster was president of the Senate. In the list of the ayes are such well-known names as John Sherman, Charles Sumner, Lyman Trumbull, and Benjamin F. Wade. The next day the bill passed the House by a vote of 120 to 43.

The question of the right of Congress to impose the negro suffrage condition precedent to admission occasioned a great debate in the Senate, the most polemical part of which was contributed by two great lawyers — Edmunds of Vermont on the affirmative and Reverdy Johnson of Maryland on the negative. Some of the ablest republican senators opposed the contention of Edmunds — among them Wade and Sherman of Ohio, Fessenden of Maine, Kirkwood and Grimes of Iowa, and Doolittle and Howe of Wisconsin. The strongest opponents of Edmunds's position, in addition to



ASHTON C. SHALLENBERGER
Governor of Nebraska, 1908-1910

Reverdy Johnson, were Doolittle of Wisconsin, Howard of Michigan, and Hendricks of Indiana. Wade at first opposed the condition as unconstitutional, but while he did not seem to think it was worth while to press it, he admitted that he had been technically converted by the argument. Reverdy Johnson argued with great force that the effect of Edmunds's contention was that "Congress has a right to form a constitution for the people of a territory who may desire to come in as a state." Mr. Sherman said emphatically: "I am in



ELIAS HICKS CLARK
Prominent lawyer, Omaha, Nebraska

favor of admitting Nebraska without any amendment, without any qualification, without any condition, and I think it is an unwise policy to impose conditions on the admission of Nebraska." But while the polemical power and habit of Edmunds did not convince, neither did the insistent moral consistency of Sumner move or trouble the evasively practical Sherman; and so he added:

But still as the friends of the measure think that the declaration drafted by the senator from Vermont will strengthen the bill, I am rather disposed to vote for it. I believe it will be entirely nugatory. I do not believe

that we have the power by any act of Congress to restrain the people of Nebraska from framing such a constitution, republican in form, as they choose. I have no doubt they can amend this constitution or they can disregard this condition; it does not operate on them; it is not really in the nature of a condition. I vote for it simply because I believe its adoption will strengthen the main measure and enable us to admit the state of Nebraska into the union.

Wade and Sherman emphasized the fact that the constitution of their own state, Ohio, had the same white restriction of the suffrage as that of Nebraska. Wade pressed also the proposition that this was a question for the states alone. "Up to this hour the regulation of the elective franchise has been regarded as a state question. It belongs, under the constitution as it now stands, exclusively to the states of the union." Wade urged also that "one reason why the territory of Nebraska should be very soon admitted is that the land there is being taken up by your college scrip, by your railroad grants, &c." Soon there would not be enough left "to give to the state for school purposes and for various other purposes those grants which we have uniformly made to new states." Sherman argued along the same general lines, and, like Wade, insisted that the question of relative population was not important, and that, at any rate, Nebraska had more inhabitants than most of the existing states contained at the time of their admission. Wade said that the bureau of statistics of the treasury department had been ordered "to make out as well as they could the number of inhabitants"; and their return showed 88,530. When it was pointed out that the vote at the last October election was only 9,136, Wade insisted that owing to the scattered condition of the population this vote was an uncertain guide. The fact that the federal census of 1870 showed a population of 122,993 tends to support Wade's contention that the estimate of the bureau of statistics was very conservative; but since the impetus to growth resulting from the advent of the railways to the territory was very strong in the years immediately following 1867, no accurate deduction can be made from a comparison of the

estimates of that year and of the census of 1870.

Though the advocates of the condition were clearly beaten in the debate, the majority seemed disposed to take Sherman's and Wade's view, that it would not be of practical importance. This indeed turned out to be the fact, because before the provision was tested in the courts, as it otherwise would have been, the adoption of the fifteenth amendment to the constitution superseded it. Charles Sumner strongly advocated the amendment of Senator B. Gratz Brown of Missouri, which provided that the people should ratify at the polls an agreement against restriction of negro suffrage. This he thought would clinch the question, while ratification by the legislature might not. Mr. Sumner took the broad view of the moralist that discrimination against the negro as to suffrage was repugnant to the principles of the Declaration of Independence and therefore of the federal Constitution. The restrictive provision of the Nebraska constitution, if not annulled by the act of Congress, would render the government unrepresentative. Mr. Kirkwood very pertinently retorted that the constitutions of twenty out of the twenty-six states then comprising the Union contained this very restriction against negro suffrage, and he thought it strange that Congress should not have known what a republican form of government was when it admitted all these states; and then he demanded, "Why do you not require us in Iowa to make our constitution republican in form?"

Wade attacked Sumner for calling Nebraska a "rebel state" and the proposed constitution a "rebel constitution"; but Sumner replied that he read that language from a letter from a citizen of Nebraska. Wade retorted that the republican members of the legislature had voted unanimously for the constitution and only copperheads voted against it. He said the constitution was copied almost literally from that of Wisconsin, "and as to the negro restriction they seem to have followed the usual form."

Mr. Hendricks of Indiana criticised the indifference of those who believed the restriction unconstitutional. "This precedent," he

said, "will establish that the Congress of the United States and the territorial legislature have the power to change a constitution that the people have deliberately made." He was willing to accept Brown's amendment — which Sumner favored, but for a different reason, — to submit the question to the people instead of the legislature. But party spirit and exigencies demanded haste, and won the day, alike



MRS. PHEBE A. (ANDREW) CLARK

over constitutional conservatism and the determination of Sumner to have the restriction insured beyond question of a popular vote.

The debate in the House was no less spirited than in the Senate. George S. Boutwell, the mover of the conditional restriction as it passed, Thaddeus Stevens, James A. Garfield, and William B. Allison were the leading republicans who supported the measure, but such noted members of the same party as John A. Bingham, James G. Blaine, Henry L. Dawes, Columbus Delano, and Robert S. Hale stoutly opposed it. Mr. Boutwell rose to the same transcendental or speculative moral heights as Mr. Sumner occupied in the Senate, and insisted that "when a state deprives a particular class of men of participation in the govern-

ment in which they live, just to that extent the government fails to be republican in form." To this Mr. Delano retorted in the same strain as Kirkwood's retort in the Senate, that "it is worse than idle for us to assert that the form of government presented by Nebraska (in her constitution) is not republican in form. The whole history of the nation gives the lie to the assertion that the Nebraska state government is not republican in form. . . . Upon what principle can we say to the people who live in Nebraska, 'You shall not come into this Union as a state unless you come upon conditions other than those which have been recognized as fit to constitute a state a partner in the great government of the United States ever since that government was formed?'"

Mr. Maynard took issue with the contention that the adoption of the condition by the legislature would give moral assurance of its observance. "I submit that the moral assurance will be the other way. The people of Nebraska have adopted a constitution in which they have restricted the right of suffrage to white men. . . . We may in passing this bill intimate to them and to the country what our views and principles are, but we have no assurance that those principles will be regarded or that our views will be adopted by them. On the other hand all the assurance we have is that they will be disregarded, and that our views will not be adopted."

Mr. Bingham took the same ground as Sherman had taken in the Senate: "I would not vote for this bill but for the conviction that the section in question (the Edmunds amendment) has no more validity than so much blank paper, and that so much of the bill as is valid is just and ought to pass that the people of Nebraska may be admitted as a state of the Union." Again, if the third section is passed and is valid in law, Nebraska becomes a state, not upon the constitution made by the people but on a constitution made by Congress, "and I venture to affirm that the legislation which is attempted to be imposed upon this state by the third section of this bill has no parallel in anything that has ever before been attempted by an American Congress."

Mr. Bingham was consistent and denounced the Boutwell amendment on the same ground: "What is proposed by this amendment? It is this: That the legislature of a state shall change its organic law in direct contravention of the express authority of the people of that state and only by authority of Congress."

Mr. Blaine opposed the Edmunds amendment on the same ground — its utter invalidity. "I protest for one against humbugging myself or being humbugged, or assisting in humbugging my constituents." But unlike Mr. Bingham, he would compromise with humbuggery by consenting to be half humbugged himself and to humbug the Nebraska constitution, and to this end he asked Mr. Ashley of Ohio, who had yielded him time to speak, for leave to propose an amendment providing for the assent of the legislature or of the people, but was refused.

Mr. Dawes pointed out that the bill itself declared the constitution which the people of Nebraska had adopted to be republican in form, and the inconsistency of undertaking to interfere when this condition had been complied with, and he stoutly denied that Congress had any right to do so. But he thought the difficulty could be overcome by submitting it to a vote of the people; and again Mr. Ashley refused consent to an amendment for that purpose. Mr. Morrill of Maine showed, as Mr. Dawes had shown, that "the first section of the bill admits the state without any conditions at all, 'upon an equal footing with the original states in all respects whatsoever,' while the last proposes fundamental and perpetual conditions." He rightly said that it would raise a question for the courts, "and I prefer not to go into the courts at all on such a question." He argued that there was not need to hurry. "Let us welcome Nebraska but not until she is ready, as I have no doubt she soon will be." Mr. Allison of Iowa believed the condition precedent was within the power and the duty of Congress and would be binding upon the people of the state when assented to by the legislature. Mr. Garfield thought it was doubtful that the Boutwell amendment "does legally affix that condition," but he believed that the people would not break the covenant

they would make in accepting the condition through the legislature.¹ It was generally assumed in the course of the debate that there were then about one hundred negroes in Nebraska who would be entitled to vote under the condition of the act. More than thirty years later Mr. Boutwell applied the same uncompromising moral spirit and broad moral principle to the Philippine question, and no doubt if Mr. Sumner had lived he would have stood with Mr. Boutwell in regard to this question as he did in regard to the Nebraska question. To the people of today who face the actual and generally recognized breakdown of the thirty years' experiment in universal negro suffrage, the matter-of-fact, confident assumption of the oratory of that Nebraska debate that it must and would be established as a matter of unquestionable moral obligation, without thought of its practicability, comes as an almost startling echo of the fallibility of human judgment and the vanity of human selfishness. Congress failed to pass the Colorado bill over the president's veto, and so Nebraska was the first and the last state to come into the Union on such capricious, *ex post facto* compulsion. It is true that Congress required that the constitutional convention of Nevada, held in 1864, "shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said state, that there shall be neither slavery nor involuntary servitude in the said state." But that requirement was at most a condition precedent, while the Nebraska requirement was a condition subsequent. Besides, in 1864 there was no longer any slavery in fact, and it was well known that it was about to be formally abolished by the pending thirteenth amendment, while a large part of the most intelligent people of the country were of the opinion that universal enfranchisement of the negroes would be impracticable and pernicious — an opinion which experience seems to have confirmed.

Mr. Morrill's fear that the Boutwell condition would throw the question into the courts was justified. Reverdy Johnson wrote to a prominent democrat of Nebraska an opinion that the state constitution had not been

amended or altered by the congressional scheme, and so statehood had better be accepted, "and thus in law and effect exclude negro voting."² Accordingly, when twenty or more negroes attempted to vote at the Omaha municipal election, early in March, 1867, their constitutional right to do so was denied. The *Herald* charged that the negroes were marched up to the polls under armed leaders wanting a fight, and the *Republican* denied the truth of this charge and alleged that Mayor Miller and Sheriff Dellone both declared that the negroes had no right to vote and that a mob of four hundred armed democrats backed up their declaration.

The constitution of Missouri, framed in June, 1820, contained this provision: "It shall be their [the general assembly's] duty, as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to, and settling in this state, under any pretext whatever."

The principal reason for this drastic measure doubtless lay in the fear that free negroes coming in contact with the slaves might stir them to mutiny or other trouble. But the Congress imposed as a condition precedent to the acceptance of the constitution that the legislature of Missouri should agree, in substance, not to enforce this restriction. While the legislature — June 26, 1821 — assented to the condition, after a fashion, it did so in a spirit of independence and with a plainness of speech worthy of a better cause, and which Nebraska might have emulated to her honor and dignity.

It insisted that as the state came into the Union under the constitution and laws of the United States, and were bound thereby, that sufficed.

Although this general assembly are of opinion that the congress of the United States have no constitutional power to annex any condition to the admission of this state into the federal union, and that this general assembly have no power to change the operation of the constitution of this state, except in the

¹ These debates took place in January, 1867, and are recorded in the *Cong. Globe*, pt. 1, 2d sess., 39th Cong.

² Omaha *Republican*, March 1, 1867, quoting Omaha *Herald*.



CHARLES H. VAN WYCK
Governor and United States senator

mode prescribed by the constitution itself, nevertheless, as the congress of the United States have desired this general assembly to declare the assent of this state to said fundamental condition, and forasmuch as such declaration will neither restrain nor enlarge, limit nor extend the operation of the constitution of the United States or of this state, but the said constitutions will remain in all respects as if the said resolution had never passed, and the desired declaration was never made, and because such declaration will not divest any power or change the duties of any of the constituted authorities of this state, or of the United States, nor impair the rights of the people of this state, or impose any additional obligation upon them, but may promote an earlier enjoyment of their vested federal rights. Therefore, be it resolved that this state has assented, etc.

There was no important reason for the legislature of Nebraska to undertake to annul by resolution a practically negative provision of the state constitution. Its haste to do so, and unqualifiedly, showed a lack of dignity and an unworthy subserviency to partisanship — if not a selfish greed — in strong contrast to the assertion of constitutional rights and principles by the legislature of our adjoining state, and remains an unique incident in such procedure.

A bill passed by Congress prohibiting the denial of the elective franchise to negroes became a law January 25, 1867, without the signature of the president, and it was stated that Mr. James M. Woolworth had given a written opinion to an Omaha democratic caucus to the effect that by the territorial law negroes were entitled to vote. But after March 1st, these provisions had been superseded by the state constitution. Since the adoption of the fifteenth amendment to the Constitution of the United States so soon settled this vexed question, the suffrage status of the few negroes in Nebraska in the meantime is not of practical importance. After every practicable measure to enforce negro suffrage, in those states where these unfortunate people of an inferior race are numerous enough to invest the question with importance, has been exhausted and proved futile, it is, it seems, by common consent of the people of all sections recognized as impracticable, and the formid-

able guaranties of the constitution and the laws remain only a dead letter.

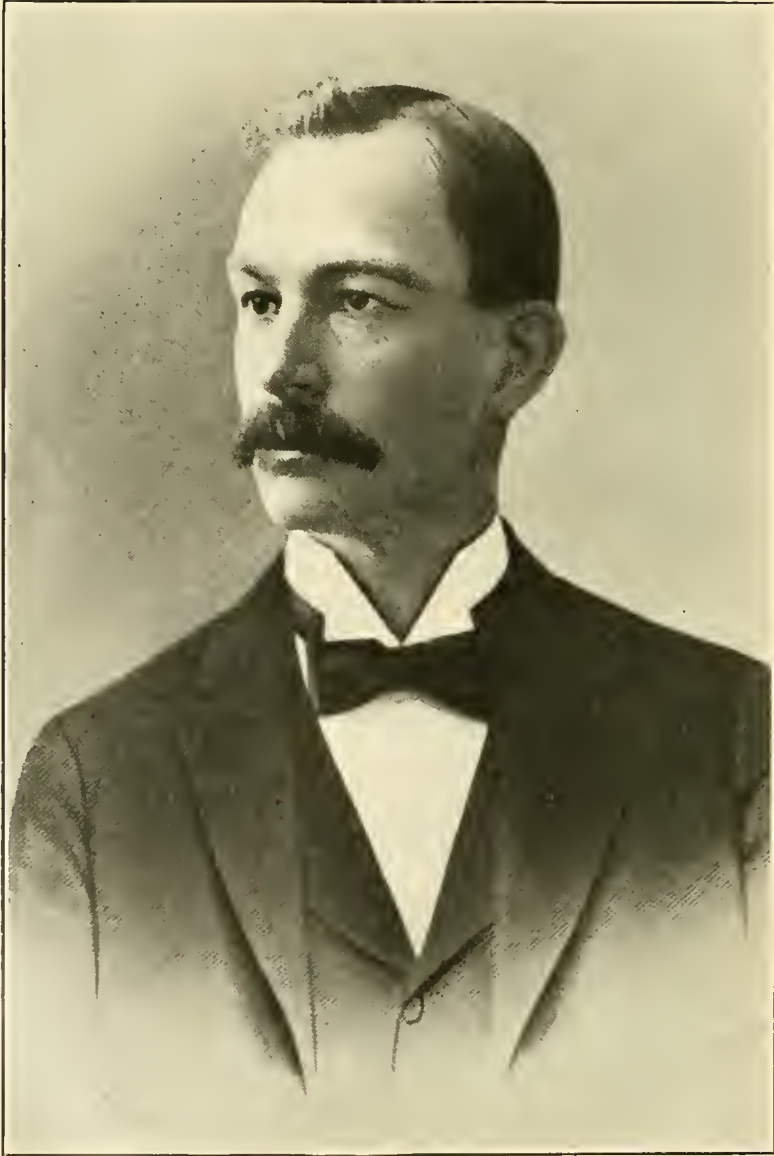
Striking evidence is not wanting of the change in public sentiment wrought by experience whose outcome ought more generally to have been foreseen. In the spring of the year 1903, Mr. Root, secretary of war in President Roosevelt's administration, in an address before the Union League club of New York city, pronounced the fifteenth amendment to the Constitution a failure. Soon after this Mr. Henry Watterson, editor of the *Louisville Courier-Journal*, and the leading journalist of the South, was invited by the Hamilton club of Chicago, the conservative republican organization of that metropolis, to deliver an address. Mr. Watterson not only spoke thus plainly and boldly, but his remarks were vigorously applauded by his northern hearers:

After thirty years of observation, experience and reflection — always directed from a sympathetic point of view — I am forced to agree with the secretary of war that negro suffrage is a failure. It is a failure because the southern blacks are not equal to it. It is a failure because the southern whites will not have it.

The negro can never become in a beneficent or genuine sense an integral and recognized part of the body politic except through the forces of evolution, which are undoubtedly at work, but which, in the nature of the case, must needs go exceedingly slow. Where there is one negro fit for citizenship there are myriads of negroes wholly unfit. The hothouse process has been tried and it has failed. If, invested with every right enjoyed by the whites, the blacks, gaining in all things else, have brought corruption into the suffrage and discredit upon themselves, is it not a kind of madness further to press artificial methods, which however justified, theoretically, from educational look-outs in Michigan, Iowa, and Wisconsin, fall helpless to the ground in their practical application to the semi-barbarous toilers in the cotton fields and corn lands of Alabama, Georgia, and South Carolina?³

Other speakers of national note have recently expressed opinions similar to those of Mr. Watterson's, and typical parts of these addresses and of those made in the debate on the admission of Nebraska are in striking con-

³ Copied from Chicago papers.



GURDON W. WATTLES
President Trans-Mississippi exposition

trast as opinions held in two different periods but only a single generation in time apart.

In a lecture at Yale university, April 22, 1903, President Hadley said that the North had made a great mistake in giving the ballot to the negro before he was fitted for it. "It was not the fault of the negro; it was the fault of those who gave him the ballot without previous preparation. The North did not recognize this at the close of the war. It had recognized the dictum that all men are born free and equal. When the North recognized the conditions which prevailed in the South it acquiesced in the suppression of the negro vote." And yet, to the mind and conscience of the intelligent and candid, this is a distressing condition and a humiliating confession. Without the ballot these millions of negroes thus thrust upon a superior race and under institutions in advance of their capacity to appreciate or support, can not avert or escape grievous oppression. This discordant anomaly, this flat contradiction of our political principles, which jeers at our bills of rights and sets aside our constitutional covenants, and from which we see as yet no escape, is the inevitable and inexorable penalty visited upon the children of those who were guilty of the original sin of African slavery. And it is not inexplicable that, just as our eyes were opening to full recognition of this predicament, we should have entangled ourselves voluntarily in a worse one of the same sort in the Philippine islands?

The state legislature which had been elected in the fall of 1866 convened in special session, February 20, 1867, in response to the proclamation of Governor Saunders issued on the 14th of that month, for the purpose of complying with the conditions imposed by the act of Congress. The senate was composed of eight republicans and five democrats, and the house of representatives of thirty republicans and nine democrats.⁴ Each of the houses at once introduced a bill accepting the conditions for admission prescribed by the act of Congress. In the senate the bill was referred after the second reading to a special committee consisting of Doom of Cass county, Hascall of Douglas, and Reeves of Otoe. Doom and

Hascall reported, after a recess of ten minutes, in favor of the passage of the bill. Reeves moved to adjourn for a day so that he might have time to make a minority report; but the motion was defeated by a vote of 3 to 7. The bill then passed by a like vote, Freeman of Kearney county and Reeves and Wardell of Otoe county voting in the negative. When the senate bill was sent to the house it was at once read the requisite three times under suspension of the rules and passed by a vote of 20 to 6. Those voting in the negative were Crawford and Trumble of Sarpy county, Dunham of Douglas, and Graves, Harvey, and Rolfe of Otoe. On the 21st the houses agreed on a joint resolution to send a copy of the act to the president and also one to John M. Thayer, who had been elected United States senator, and then adjourned.

J. Sterling Morton gave Mr. Hascall the credit for his vote as follows:

Isaac S. Hascall, the only representative of the Douglas county democracy in the state senate, stood solitary and alone among democrats in the legislature in advocating and voting for the admission of state under the African conditions. We understand Mr. Hascall made a long speech in support of his position, which receives unusual favor with Mr. Presson, Mr. Doom, Mr. Rogers and other radicals. They ordered Mr. Hascall's speech published, wanted it spread on the journals immediately, and testified their approbation of it in every way possible. This is rather an ignoble distinction for Mr. Hascall as a democrat, and we are of the opinion that, however he himself may feel, the democracy of Douglas, who placed him in the senate, will not be very particularly flattered by it.

Undue distinction was given to this speech of Hascall's by the pro-state party because he was an acquisition from the enemy, just as there is always more joy, temporarily, in a political party, as there is said to be in heaven, over the one proselyte and deserter than over the ninety-and-nine well-tried regulars or saints. The speaker undertook to give his cause character by ascribing respectability to its origin. The constitution, he said, was framed by nine members of the legislature — of 1866 — five of whom were democrats, and,

⁴ *Nebraska Advertiser*, Nov. 8, 1866.

in addition, William A. Little, who had been elected chief justice of the state supreme court, Judge William Kellogg, chief justice of the territorial supreme court, Hadley D. Johnson, Governor Alvin Saunders, General Experience Estabrook, and others, of Omaha, assisted by able men, without regard to party, from other parts of the territory. The democrats had not made statehood a party issue at their convention, and the republicans had declared in favor of it at their convention, and it had been ratified by voters of both parties. Leading republicans, including John M. Thayer and Governor Saunders, did not insist on impartial suffrage. After the first veto by the President, and before the passage of the conditional act, Congress provided for impartial suffrage in all the territories. Negro suffrage therefore already existed by positive law, and if the President had not vetoed the bill for admission under the white constitution, Nebraska would not have negro suffrage now.

On the first of March, 1867, President Johnson issued a proclamation declaring that "the admission of the state into the Union is now complete." This proclamation, forced from the unwilling chief executive, was therefore an appropriate death warrant for territorial Nebraska. For, conceived in storm and born of strife, it has now died a violent death.

The original Nebraska territory was bounded on the north by the 49th parallel of latitude — the south boundary of the British possessions; on the east by the White river, from the 49th parallel south to the mouth of the river — and thence southward by the Missouri river; on the south by the territory of Kansas, or the 40th parallel of latitude; on the west by "the summit of the Rocky mountains." The territory of Oregon (organized August 14, 1848), extending from the British line down to the 46th parallel of latitude; the territory of Washington (organized March 2, 1853), extending from the southern line of Oregon down to the 42nd parallel of latitude; and the territory of Utah (organized September 9, 1850), extending southward from the south boundary of Washington, came up to the Nebraska boundary on the west. The state of Iowa (organized December 28, 1846)

and the territory of Minnesota (organized March 3, 1849) lay adjacent to the entire eastern boundary of Nebraska territory. After the admission of Minnesota as a state, May 11, 1858, the territory between its western boundary and the eastern boundary of Nebraska remained unorganized until the formation of Dakota, March 2, 1861.

The first change in the original territory of Nebraska was made by the organization of the territory of Colorado, February 21, 1861, which cut off all that part of the present state of Colorado north of the Kansas line and east of the Rocky mountains, and established longitude 25 degrees as the line between Nebraska and Colorado, from the 40th to the 41st parallel of latitude. The organic act of Dakota made the second change in the territory of Nebraska by cutting off all that part of it north of the Niobrara river, from its mouth to the point where it meets the 43rd parallel of latitude, and north of that parallel of latitude to the western boundary. The same act added to Nebraska territory that part of Washington and Utah lying between the 41st and 43d parallels of latitude, and east of the 33d degree of longitude, that is, a strip extending from this degree of longitude east to the original boundary of Nebraska at the summit of the Rocky mountains. The third change took place when the territory of Idaho was organized March 3, 1863. This territory came up to the 27th degree of longitude as its eastern boundary, which extended from the British line on the north to the Colorado line, or the 41st parallel of latitude, on the south; and it extended west to Oregon and Washington. Idaho took away the southwest corner of the original territory of Nebraska to the width of three degrees and cut off the west end of Nebraska, as it had been extended when Dakota was organized, to the width of three degrees more, that is, the part between the 27th and the 33d degrees of longitude. The territory of Montana, coming south to the 46th parallel, was formed out of Idaho, May 26, 1864, and the territory of Wyoming extending south from the Montana line to the 43d parallel, the present north boundary of Nebraska, was also formed out of Idaho, July 25, 1868. Idaho, as

it was then left, was entirely west of the Rocky mountains and outside of the Louisiana Purchase, and Montana and Wyoming came into the Union as states in their original territorial form. The 27th degree of longitude — 104th from Greenwich — has remained the extreme western boundary line of Nebraska ever since it was established by the organic act of Idaho in 1863, and Nebraska came into the Union as a state in the form in which it was left by that act. By act of Congress March 28, 1882, the territory lying between the Missouri river

and the Niobrara river, as far west as the mouth of the Keya Paha river, and as far north as the 43d parallel of latitude, was taken away from Dakota and added to Nebraska, thus constituting the 43rd parallel its continuous northern boundary. On the 23d of October, 1890, the President of the United States declared by proclamation that the title or claim of the Ponca Indians to this strip of territory had been extinguished, and thereby jurisdiction over it was vested in the state of Nebraska.

CHAPTER XVII

TERRITORIAL MILITARY HISTORY

POLITICAL and other social relations in the United States have been constantly disturbed, and during a considerable period were disrupted by the presence of two unasimilable races. Each of our two race questions led to war. The Nebraska country was the subject of the controversy which precipitated the war over the black race question and the principal field of the long series of wars with the

chisement of the other because it was fit for slavery and had submitted to it.

For many years following the treaty of 1783, which acknowledged the independence of the American colonies, Great Britain had no mind to respect its provision fixing the Mississippi river as the western boundary of the new nation. On the contrary, there was constant scheming on the part of each of the three great European powers — England, France, and Spain — to detach and appropriate the country west of the Alleghenies. England held Detroit and other posts within the territory of the United States long after the treaty of peace, and Spain held Natchez and other places on our side of the Mississippi river as late as 1798. These conspiracies were finally headed off by Jefferson's brilliant diplomacy in getting from the great Napoleon a quit-claim of the title of France to the Louisiana country, and so virtually to all her claims on North America.



ROSALIE LISA ELY
Daughter of Manual Lisa

red race. The Indian question grew out of the forcible ejection of the original Indian occupants of the country by the white invaders. The negro question arose from the abduction of the alien blacks from their own country and their introduction here as slaves by the same white intruders. These contests resulted in the subjugation and strictest surveillance of that one of these races which could not be enslaved and would fight, and in the sympathetic emancipation and premature enfran-

At first the Indian question in the Missouri valley was complicated with that of the aggressive attempts of the English to retain control of trade with the Indians, and the first military force that ever entered the upper Missouri country was sent there for the purpose of dealing with that phase of the question. This expedition, under command of Colonel Henry Atkinson, went as far up the Missouri as "Camp Missouri," just below Council Bluff, and there established the first military post in the upper Missouri country, in September, 1819. By the end of the year a strong fort and barracks for 1,000 men had been erected by the troops.

The post, afterwards known as Fort Atkinson, was garrisoned by the Sixth regiment infantry and a regiment of riflemen, 1,126 men

in all. On the 23d of September, 1820, Atkinson, now brigadier-general, and Benjamin O'Fallon, Indian agent, made a treaty with the Omaha tribe of Indians by which they gave to the United States "a tract of fifteen miles square of the country around Council Bluff, to be bounded by due east, west, north, and south lines, and so located that the flagstaff in the area of the new cantonment in Council Bluff shall be the center of the aforesaid tract of fifteen miles square." General Atkinson was commandant at this post until 1823, when he was succeeded by Lieutenant-Colonel Leavenworth, who remained in charge until 1825. His successor, Brevet Lieutenant-Colonel Woolley, was commandant until the post was abandoned in 1827, its equipment being removed to the new post called Cantonment Leavenworth, afterward Fort Leavenworth.

On the 22d of June, 1823, Colonel Henry Atkinson, commandant at Fort Atkinson, left that post with six companies of the Sixth infantry, 220 men, two six-pound cannon, and several swivels, to avenge the defeat of General W. H. Ashley, of the Rocky Mountain Fur Company, whose command of volunteers had been defeated by the Arikaras at their village on the 2d of the same month, with a loss of fourteen killed and nine wounded, besides considerable property. The remainder of the force escaped by descending the river on their two keel-boats. Colonel Leavenworth's force traveled partly on foot and partly in three keel-boats, and was forty-eight days in ascending the river to the Arikara village, computed at 640 miles. Major Joshua Pilcher, then president of the American Fur Company, who was at Fort Lisa at the time, overtook and passed Colonel Leavenworth, and awaited him at Fort Recovery with a force of 40 men and 400 to 500 Sioux. General Ashley's command also joined Colonel Leavenworth at this place. The whole force of about 800 men attacked the Indians on the 9th and 10th of August, and soon after the latter date they abandoned their villages and in some way they took fire and were burned. The fighting was indecisive and the casualties were small. Two Sioux were killed and two whites and two Sioux were wounded. About thirty Arikaras were

killed. Colonel Leavenworth's command reached Fort Atkinson on the return trip near the end of August without having duly accomplished its object of subduing the troublesome Arikaras.

On the 16th of May, 1825, General Atkinson and Benjamin O'Fallon, Indian agent, commissioners to treat with the Indians of the upper Missouri, left Fort Atkinson with an escort of 476 soldiers and proceeded up the river to a point 120 miles above the mouth of



GENERAL HENRY LEAVENWORTH

the Yellowstone. The expedition arrived at Council Bluffs, on its return, September 19th. The commissioners made treaties with the numerous tribes who lived along the river, and the determination of the English to encroach upon the Indian trade of this region, even at that late date, is shown by the fact that all the treaties contained an agreement on the part of the Indians to arrest all foreign intruders and turn them over to an agent of the federal government. While from the time of our first accounts of the life of the Indians of the trans-Missouri plains there was incessant warfare between the various tribes, yet, until white settlers crowded into

the Nebraska country after its political organization, and the construction of the Pacific railway showed the Indians in a plain object lesson that the game upon which they depended for sustenance would soon be entirely driven from the plains, their relations with the whites were generally peaceable and their depredations seldom exceeded thieving, to which their constant needs stimulated their native inclination. And so, previous to the year 1864, serious disturbances on our frontier were infrequent, and warfare only of a desultory nature occurred, military expedi-



JOHN PILCHER

Son of Major Joshua Pilcher, captain of police and government interpreter, Omaha Indian reservation.

tions were meant mainly as demonstrations of power, and the military posts, few and far between and even then but meagerly garrisoned, served as a precautionary, rather than an actual defense.

In the meantime, however, the Indians entertained themselves with the most active and relentless inter-tribal warfare. The Sioux and Cheyennes, who in the later years of provocation were cruel enemies of the whites, in 1847 were classed with the Grosventres, the Mandans, and the Poncas as "excellent Indians, devoutly attached to the white man, and live in peace and friendship with our govern-

ment." But the same competent witness testifies that war is the natural element of the untaught Indian, and though those of his agency have been "remarkably pacific for some time, God only knows how long they will remain so."

The characteristic thieving propensities of the Pawnee Indians led them to prepare to attack Frémont's party on the Solomon river, as it was returning from the Columbia river in June, 1844, notwithstanding that they were receiving an annuity through the federal government. Major Wharton learned of this intended assault, soon after, at Bellevue, where he made an appropriate talk on the subject to the principal chiefs and braves and gave presents to six principal men of the Pawnee Loups who interposed, resolved to protect the explorer or die with him. The Pawnees south of the Platte and those on the north side were hostile to one another, and Pawnee parties committed outrages on Cabannè's peltry boats in the spring of that year. The year 1847 was one of general tranquility among the treaty Indians and others near them; but there were some depredations by Sioux living on the Mississippi and who received annuities, especially upon the Winnebagoes, their hereditary enemies.

The Iowas attacked a lodge of the Omahas, but under threat of the Indian department to withhold their annuity, they made reparation. Under pressure, the annuity Sioux agreed to pay an indemnity of \$4,000 to the Winnebagos. In the St. Louis superintendency war parties greatly increased during the year. Sioux bands, amounting to 700 or 800 warriors in some instances, killed over 150 members of the tribes which the federal government was attempting to civilize. They made two attacks on the Pawnees during the summer, in one of them killing 23; and since the prowess of the Pawnees lay more in filching than in fighting there was danger of their extermination, as well as that of the small band of Otoes and the unwarlike and almost defenseless Omahas by the relentless Sioux invaders. Eighty of the Omahas were killed in these raids during the year. The Otoes struck back and were attacked the second time. The Pawnee and Omaha villages at the time of the

attacks on these tribes in the latter part of the year 1847 were near Bellevue, "where a number of white families reside." The white residents were doubtless all attached either to the Indian agency or the missionary establishment. The hostile parties were from the St. Peter Sioux. Other attacks were made by wild, that is, non-annuity Indians. The secretary of war recommended the establishment of a small military post at the mouth of the Platte for the protection of the Omahas, Otoes, Poncas, and other weak tribes in the vicinity of the Sioux on the Platte and Missouri rivers, in connection with the post to be established near Grand Island—afterward called Fort Kearney.

The fact that there was less annoyance of emigrants on the Missouri frontier by the Indians and less trouble than usual among the Indians themselves in 1848, was ascribed to the judicious control of annuities. In the spring of 1848 the Iowas, under White Cloud, killed many Pawnees, principally women and children, on their way home from the Council Bluffs agency with corn to keep them from starving. In July of this year, while a party of Pottawatomies, Kansas, Kickapoos, and Sacs were hunting buffaloes on the plains, a party of Pawnees sent a peace messenger to them who was well received, but he was shot by a young Kansan while Keokuk, a Sac, was in the act of handing him the pipe of peace. In undertaking to avenge this perfidy the Pawnees lost five men, and their scalps were brought in by the Pottawatomies and Kickapoos. Having assumed a protectorate over these Indians and with the full purpose of appropriating and occupying their country, no mere exigency, such as the Mexican war, excused the failure of the federal government to afford these agency Indians reasonable protection of life and property from the savage enemies of both guardian and wards. Besides, the dereliction was the same before and after the Mexican war. A like excuse was offered during the Civil war, but for several years after its close there was the same failure to meet the demands of palpable conditions. It is true that these conditions were vexatious and difficult in the extreme to deal

with, but while the aggression of the dominant race was the irritant cause of these troubles, it seems that there should have been more readiness in meeting them.

In 1848, the Sioux killed twenty-eight Pawnees and twenty-six Otoes, and the agent urged the establishment of a post at the mouth of the Vermillion river—now in South Dakota—as a barrier to their bloodthirsty incursions, and for the arrest of dishonest white intruders into the Indian country. "Not a few" white men were settling on the Iowa state line twenty miles below, "with no ostensible object in view but to sell whiskey to the Sioux Indians and white men in the Indian country."

On the Platte river and in its vicinity were stationed 600 men intended for the protection of the immigrants to Oregon and California. The Pawnees on account of their destitute and starving conditions were the worst of all the Indians in these depredations against the emigrants. There were offenders, also, among the emigrants, but the wild tribes of the plains had kept far in advance of the white man in the perpetration of rascality. Two outrages of the Indians in their relations with the United States were reported. The Sioux attacked the steamboat *Martha* on the upper Missouri and killed one man, and the Iowas attacked a party of Pawnees, killing and scalping twelve of them. The Sioux were moving toward the west and at this time there were 2,000 of them living in the region of the headwaters of the Platte. In the summer of 1848 there was a fight between the troops and the Comanche, and a band of Pawnee Indians in the Southwest, on the Cimarron river. The commissioner of Indian affairs was not, at this time, encouraged by the condition and prospects of his wards, and he pointed out that the contact and competition of this inferior race with the superior whites must prove disastrous to it, and he advocated the plan of segregating the Indians on small reservations, which was carried out thirty years later.

The Indians along the Oregon and Santa Fé routes were less troublesome than usual in 1849—the year of the beginning of the heavy overland travel to the California gold fields.

On the 10th of September the Omahas, while on the way home from their summer hunt, were attacked by a band of Sioux and Poncas, but they showed unwonted spirit and, making a stand behind breastworks, in civilized fashion, drove back their assailants with a loss of eight or nine men, though they themselves lost four or five men and about forty horses. On the 14th of September the Otoes, also returning from their hunt, attacked a party of Pawnees, killing eleven of them. They were persuaded to do this by traders whom the Pawnees had robbed. The year 1850 was generally one of peace among the Indians themselves, and also between whites and Indians. In the spring of 1851, 18,000 barrels of military supplies were landed at Fort Leavenworth by steamboats to be gradually distributed by wagon trains during the summer to the chain of posts on the Oregon route and in New Mexico.

The Chippewas and Sioux were hostile to each other this year. Though the military posts in the Indian country were maintained at enormous expense, on account of the high cost of transportation of supplies, yet it was officially alleged that these posts, and in particular Fort Laramie, and Fort Sumner, just established on the Arkansas, were nearly at the mercy of the Indians and would hardly be able to defend themselves within their own walls.

The tribes of the Council Bluffs agency also — Otoes and Missouris, Omahas and Pawnees — "lived on terms of peace and good will" during the year 1851. There were no reports of disturbances in the Nebraska country during the following year, though a band of Santees of about sixty lodges and some Yanktons, "who infest the waters of the Big and Little Sioux," committed depredations on the white settlers of the northwestern Iowa frontier. At Fort Dodge, on the Iowa frontier, as well as at Fort Ripley, in Minnesota, there was "nothing to defend," and withdrawal of troops from Fort Kearney and construction of a military post at the junction of the Republican and Kansas rivers was advised by military authorities. It was urged that there was a common road to this point from Fort

Leavenworth leading to Oregon and to Santa Fé. With the exception of the Blackfeet, the Indians of the upper Missouri agency were peaceable and among themselves were faithful to the Fort Laramie treaty during 1853. This treaty was the result of a council which began September 1, 1851, and lasted eighteen days. It was conducted by D. D. Mitchell, superintendent of the central superintendency. B. Gratz Brown, who was a candidate for vice president of the United States in 1872 on the Greeley ticket, was assistant secretary of this council, and Father De Smet, "the celebrated missionary," as he is called in the superintendent's report, put his intimate knowledge of the Indian country to use by assisting in making a map of the territory occupied by the tribes which were parties to the treaty. There were 8,000 to 12,000 Indians at the council, and eight tribes entered into a treaty of friendship which had an appreciable and lasting influence in maintaining peaceable relations between the Indians of the Plains. The sanguine superintendent indulged in the visionary hope that this compact would lead the Indians who were subject to its influence to abandon their wild life and become an agricultural people.

Near the end of 1853 a party of Yanktons exterminated four lodges of Crows, numbering thirty-five men, women, and children, and it was reported from the Upper Platte and Arkansas agency that Sioux from the north had driven off the Arapahos, Cheyennes, and Pawnees, who in turn encroached on the southern tribes.

In 1854, one of the most shocking tragedies in the history of our intercourse with the Indians occurred in the Platte valley near Fort Laramie. A young Indian belonging to a large body of Brule, Ogallala, and "Miniconjon" Sioux, numbering between 1,000 and 1,500 warriors, killed and appropriated a lame cow belonging to a Mormon emigrant. According to the story of the Indians, the animal had strayed into their camp, which was situated on the Oregon trail, between the trading house of the American Fur Company, under James Bordeaux, and that of P. Chouteau, Jr., & Company, five and eight miles respectively below Fort Laramie. The Mormon appealed

to the commandant at the fort for indemnity for his loss, and in the evening of the following day Brevet Second Lieutenant John L. Grattan, with twenty-nine men, of Company G, Sixth regiment of infantry, and two howitzers, marched to the Indian camps under orders to bring in the offender. Refusal to comply with the demand for his surrender quickly resulted in a discharge of small arms and the howitzers by the soldiers; but they had time for only a single volley when they were immediately overwhelmed by the savages, only one man escaping, and he died of his wounds soon afterward at the fort. The Bear, head chief of the band, was killed and one Indian was wounded in the discharge of Grattan's musketry, but the artillery was aimed too high for effect. Their butchery of Grattan's little band appears to have awakened in the Indians their inherent savagery, and they proceeded to the trading houses of Bordeaux and Chouteau with the intent both to kill and rob. But these Frenchmen were able to exercise their proverbial pacifying influence over the Indians, and they were content with pillaging the stores of the traders. Bordeaux pleaded with them throughout a night of awful suspense to refrain from further destruction of life if not of property.

After the tragedy these bands tried to enlist Indians of the upper Missouri agency in a general war on the whites. For some time they kept war parties continually on the road between Fort Pierre and the Platte river.

Accepting the statement of the traders and the civil agent of the government, that the Indians were provoked by Lieutenant Grattan in their attack on his command which, once begun, inevitably resulted in its destruction, yet the subsequent conduct of these Indians explains if it does not justify the vengeance visited upon them by General Harney near Ash Hollow a year later.

During the summer of 1854, near the Kansas river, north of Pawnee Fork, 1,500 Kiowa, Comanche, Cheyenne, and Osage Indians, armed with bows and arrows, attacked 100 Sacs and Foxes who used their good rifles so effectively that, after charging on the little

band several times, the assailants retired with a loss of sixteen killed.

Brevet Brigadier-General William S. Harney was already noted as a campaigner throughout the Indian country of the West and Southwest when he was sent in the fall of 1855 to punish the Sioux for the Grattan massacre. These Indians had broken faith with the whites by persistently infesting the Oregon trail, and they were a constant terror to the emigrants who at this time passed along the continental highway in great numbers; but



Only picture ever taken of Ni-co-mi; its first production.

NI-CO-MI (Voice of the Waters)
Indian wife of Peter A. Sarpy

their unwelcome intrusion gave their pursuer a welcome and easy opportunity to execute his terrible task. On the evening of September 2d, General Harney's command camped at the mouth of Ash Hollow which, on account of the water, wood, and shelter it afforded, had long been a favorite and noted halting place for the California and Oregon emigrant trains. This rendezvous of the whites was naturally under the watchful surveillance of hostile Indians, and it was in its near neighborhood that General Harney found and

nearly annihilated the reputed murderers of the unwary Grattan and his luckless command. The story of vengeance is best told in General Harney's report to the secretary of war.

There were at this time about 180,000 Indians within the territory covered by the military department of the West, comprising all the region between the Mississippi river and the Rocky mountains, and there could be spared to garrison and patrol this vast area 1,855 officers and men. According to the representations of the local traders and Indian

of war — Jefferson Davis — complained that this disturbance "has caused the troops stationed there to be diverted from the campaign in which it was designed to employ them against the Cheyenne Indians." There was incorporated in the report of the secretary a local statement that "the notorious Jim Lane is now at the head of from 600 to 1,000 armed outlaws and robbers, busily engaged in the work of destruction on the south side of the Kaw river." Lane's base or rendezvous in the fall of 1856 was the southeast corner of Nebraska and southwest Iowa, and his line of



JOSEPH LA FLESCHÉ (E-sta-ma-za, "Iron Eye")



MARY LA FLESCHÉ (Hin-nu-ga-shun, "One Woman")

agents and to some criticism in the national Congress, Harney's achievement was an unwarranted butchery rather than a victory, but, wherever truth and justice lie, now difficult to find, the battle was "a thunder-clap" to the hostile Sioux; and from the point of view of the white invader's safety, which, in the last analysis, was of paramount importance, it was salutary if not necessary.

During the year 1856 the federal administration, and the war department in particular, was kept very busy with the guerrilla jayhawker troubles in Kansas, and the secretary

operations to Kansas was called "Lane's trail."

The Cheyenne Indians were aggressively hostile in the upper Platte valley during the fall of 1856. On the 24th of August they fired upon a mail carrier several miles east of Fort Kearney, wounding him in the arm. Captain H. W. Wharton, commandant at the fort, immediately sent a mounted detachment of forty-one men of Companies E, G, and K of the First cavalry, under First Lieutenant G. H. Stewart, in pursuit of the Indians, whom they overtook and attacked on Grand Island,

some twenty miles from its head, killing ten and wounding about an equal number. There were seventy to eighty Indians in the band, forty-five of them men. On the 25th of August, about thirty miles below Fort Kearney, a party of Cheyennes attacked Almon W. Babbitt, secretary of the territory of Utah, who was on his way to Salt Lake with a train of four wagons. The party was attacked in the night while encamped on the north side of the Platte. Two men and a child were killed, and the child's mother and another passenger of the train were carried off. Mr. Babbitt proceeded on his journey from Fort Kearney

stand against his charge, but their horses were so fleet that they escaped with only nine killed. Sumner's loss was two killed and nine wounded, among the latter, Lieutenant James E. B. Stuart, subsequently the great Confederate cavalry leader in the Civil war.

On account of the insurrectionary attitude of the Mormons in 1857, Captain Stewart Van Vliet was sent to Utah in advance to procure supplies for the army which was to follow. He started from Fort Leavenworth with a small force, July 30, 1857, reached Fort Kearney in nine days, and arrived at Salt Lake City on the thirty-fourth day. Colonel Albert



SITE OF FORT KEARNEY, PARADE IN THE FOREGROUND

in a carriage with two other men, and at a point on the north side of the Platte, about 120 miles west, all three of the men were killed by Indians and all their property, including a considerable amount of money, was carried off.

In 1857 there was a growing spirit of insubordination in the wild tribes of the prairies, and there was trouble with Indians in every part of the West and Southwest and on the Pacific coast. The Cheyennes continued their active hostilities, and on account of their "late outrages against the whites," Colonel Sumner attacked about 300 Cheyennes on Solomon's Fork, July 29th. The Indians would not

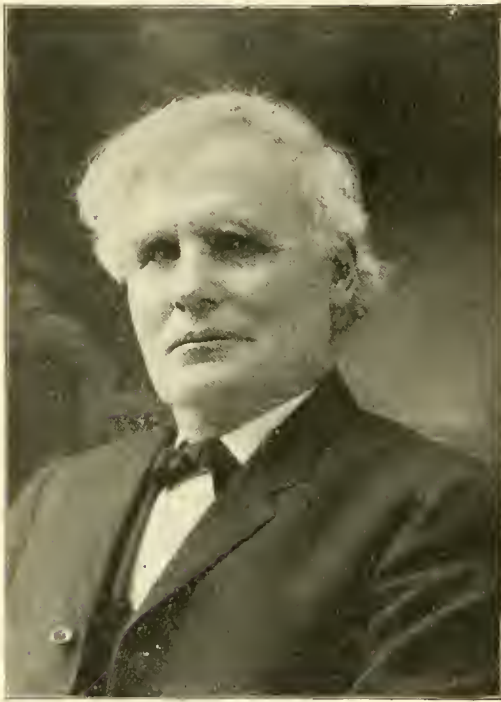
Sidney Johnston, afterward the famous Confederate general, escorted by six companies of the Second dragoons, the Fifth and Tenth regiments of infantry, and Reno's battery, followed in September, and his command crossed the south fork of the Platte on the 29th.

Brigham Young, as governor of Utah and ex-officio superintendent of Indian affairs, issued a proclamation forbidding the troops to enter the territory. The secretary of war — John B. Floyd — justified these operations on the ground that Governor Young defied the federal power. He had boldly announced that if his newly appointed successor should come to Utah the Mormons would "place him in a

carriage and send him back." Nevertheless the troops entered and camped in the territory, and the new governor assumed his office. Young, in the meantime, yielded to the inevitable and, where a weaker man would have been obdurate, this really great leader chose discretion as the better part of valor. By the beginning of 1858 there was a force of 2,588 in the territory which reënforcements, under orders to march in the spring, would swell to 5,606.

they were the work of the Mormons, sanctioned, if not directed, by the Mormon church. If it may not be said that the Indians loved the Mormons more, they at least hated them less than the gentile whites, and during these years of accumulated troubles the saints were unmolested by their savage neighbors.

In 1858, it was reported that 30,000 Indians of the upper Missouri agency were turbulent and discontented, and there was no adequate



THOMAS HENRY TIBBLES

Prominent in newspaper work, Omaha and Lincoln



YOSETTE LA FLESCHÉ TIBBLES (In-stha'-the-am'-ba, "Bright Eyes")

Though the attitude of the commanding general appears to have been as cautious and moderate as that finally assumed by the Mormon leader, it was not until the latter part of 1859 that the war department was able to report that there was no further need of the army in Utah and that it would be withdrawn during the coming season. It was asserted by high authority that, "murder and robberies of the most atrocious character have been perpetrated in the territory upon emigrants from the states, journeying towards the Pacific," and that it was the general impression that

force to restrain them and protect emigrants to Oregon and Washington. The Arikaras were ill-tempered and at war with the Sioux, and the Crows attacked them on the west.

The brief Pawnee campaign of 1859 was the most important local military movement during the territorial period. About the first of July of that year messengers representing citizens of Fontenelle brought news to Omaha that the Pawnees were systematically and aggressively committing depredations upon the property, and outrages upon the persons of the settlers in the Elkhorn valley, from Fontenelle

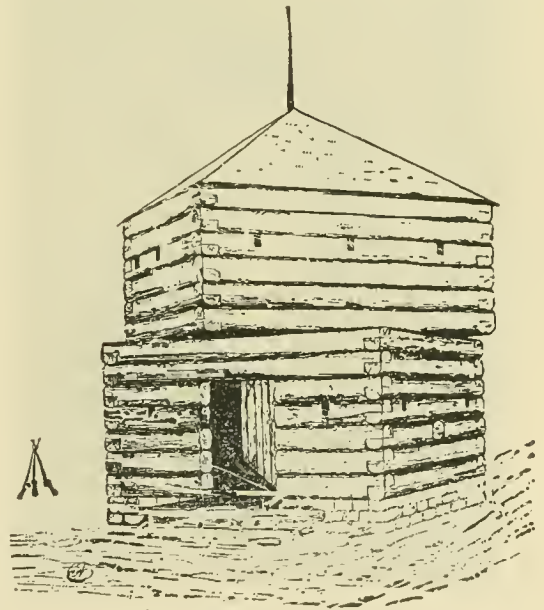
northward. These settlers asked for immediate assistance from the territorial government. When the urgent petition of the messengers was presented, Governor Black was at Nebraska City, then more than a day's journey from the capital, and to meet the emergency a petition numerously signed by citizens of Omaha, was presented to J. Sterling Morton, secretary of the territory, to act as governor and immediately send a military force against the Indians. While the provisions of the organic act, which constituted the secretary acting governor in the absence of the governor from the territory, did not cover this case, yet Mr. Morton at once assumed authority, presumably under color of the provision in question, and requested the commandant at Fort Kearney to send a detachment of cavalry to Fontenelle. In the meantime General John M. Thayer, who was, colorably at least, commander of the militia of the territory, by virtue of his election by the legislature in 1856, proceeded to the place of the disturbances with the light artillery company of Omaha, numbering about forty men, and arrived at Fontenelle on the 2d of July.

On the 6th of July Governor Black started from Omaha with a company of volunteers and Company K of the Second dragoons, which had arrived from Fort Kearney under Lieutenant Robertson, and joined General Thayer on the 8th, when the latter assumed command of the combined forces. The expedition proceeded up the Elkhorn, and on the morning of the 12th, in the vicinity of the present town of Battle Creek, overtook and at once charged upon the Indians, who had begun to retreat. In preference to battle, however, the savages promptly offered both penitence and indemnity for their past bad conduct and fair promises for the future, and the campaign ended then and there without bloodshed.

This positive policy and aggressive action no doubt exercised a strong and lasting influence over the Pawnees, but it was overstating the truth to say that the incident "accomplished perfect peace with the Pawnees from that time forward." The irrepressible thieving propensities of these Indians were often

exercised in after years, resulting, often, in murder and other outrages.

In 1859 hostilities continued with the Comanches and Kiowas and extended from Texas to the headwaters of the Arkansas and Canadian rivers, and the ubiquitous Indian fighter, General W. S. Harney, was now dealing with hostile tribes and watching the threatening British in Oregon. During that year the border tribes of Nebraska lost many lives in their buffalo hunting expeditions, at the hands of the Sioux, Cheyennes, and Arapahoes. In 1860 there was a state of war between the United States and many of the most powerful



BLOCK HOUSE AT OLD FORT KEARNEY, NEBRASKA CITY

tribes of Utah, and petitions were presented by citizens of the territory for the protection of the pony express. They recited that the Indians "have recently broken up many stations on the road, murdered the occupants and driven off the stock used in transporting the mails and express." There was method, beyond the instinct for plunder, in this madness against the mails; for established means of transportation suggested to the Indians the fast-coming occupancy of the whole country by the white invaders. In 1863 a band of Brulés attacked the Pawnee agency, and after killing several squaws was driven off by a

company of the Second Nebraska cavalry, which was stationed there; and the raids of the Sioux were frequent and bold.

The great Sioux uprising in Minnesota and Dakota, in 1862, in which it was estimated that 644 white settlers and 93 soldiers were killed, left a hostile spirit which influenced the conduct of the Indians of the upper plains until they were finally segregated under the present reservation system. In the spring of 1863, General Alfred Sully with his command went up the



JOSEPH ROBIDOUX
Frontiersman and Indian trader

Missouri river from Sioux City to cut off the retreat of such hostile Indians as General Sibley might drive out of Minnesota and eastern Dakota, and on the 3d of September his command fought one of the important battles between the whites and the Indians of the Plains. General Sully's force comprised eight companies of the Second regiment, Nebraska cavalry — 350 men, rank and file, under command of Colonel Robert W. Furnas — the Sixth regiment, Iowa cavalry, and a company of the Seventh Iowa and a battery. The Indians had 1,200 to 1,500 warriors in the main of Santee, Brulé, Yankton, and Blackfeet Sioux

and some "cutheads." After a short and sharp fight, just at dark, the Indians were routed with a loss of about 150 killed and all of their effects, except their arms and ponies. The darkness doubtless saved them from much greater loss. When the Nebraska men came up with the enemy they dismounted and fought on foot with Enfield rifles at sixty paces. There were "among them probably some of the best shots in the world," and their fire at this close range was murderous. The loss of the Nebraska regiment was two killed, thirteen wounded, and ten missing, and that of the Sixth Iowa, eleven killed and eighteen wounded. The battlefield was near White Stone Hill, and is known by that name. The hill is situated "about fifteen miles west of James river and about half way between the latitudes of Bonebute and head-water of Elm river, as laid down on the government map."

Hostilities against the whites were increasing from year to year, and in 1864 and 1865 murders and other outrages, on the upper Platte in particular, were numerous and atrocious, though there was a prevalent fear among the friendly Sioux and Arapahos of their own extermination by the soldiers. These outrages extended through the westerly settlements of Nebraska, and produced fear, and resentment against the federal government for neglecting to provide adequate defense throughout the territory. The savage Sioux were still the terror of the unwarlike and defenseless Omahas. In 1864 eleven of them were killed, and in 1865 forty of their horses were stolen by the Sioux.

Though the army was in large measure released from the monopoly of the Civil war, there was slow response to public sentiment in the Indian country which demanded an energetic military policy as the only remedy for the now intolerable Indian hostility.

By the arrangement of the military divisions in June, 1865, at the close of the Civil war, the division of the Mississippi, which fell to General W. T. Sherman, included the department of Missouri, under General John Pope. By the order of August 6, 1866, this department became the division of Missouri, and it included the territory between the

Mississippi river and the Rocky mountains. The department of the Platte in this division was under Major-General Cooke, and that of Dakota under Major-General Terry. The following organizations of regular soldiers were assigned: To the department of the Platte, Battery C, Third artillery; Second regiment, cavalry; Eighteenth, Twenty-seventh, and Thirty-sixth regiments of infantry, and 200 Indian scouts. General Sherman proposed to restrict the Sioux to territory north of the Platte, west of the Missouri river, and east of the new road from Fort Laramie to Virginia City; and the Arapahos, Cheyennes, Comanches, Kiowas, Apaches, and Navajos south of the Arkansas and east of Fort Union, New Mexico, the intention being to keep all the territory between the Platte and Arkansas rivers, where the two great railroads were under construction, free from hostile Indians. In pursuance of this policy General Sherman made a two-months tour of the plains in the summer of 1866. In the same year Edward B. Taylor of Nebraska and Colonel Henry E. Maynadier, commandant at Fort Laramie, as member of a special peace commission, made treaties at that post with the Ogallala and Brulé Sioux and negotiated with the Cheyennes and Arapahos with the same purpose. Commissioners were also sent to negotiate with the hostile bands of Sioux in the north, between the Platte and Missouri rivers, and two years later it was said in high official places that "scarcely had the compacts been proclaimed when depredations and hostilities were again renewed."

Peace negotiations had now become a well-defined national policy, and a peace commission was appointed by the President of the United States, under the act of Congress of July 2, 1867. It may be that this peace policy lessened depredations and loss of life, and it perhaps smoothed the way to the general segregation of the Indians on reservations, which was accomplished about ten years later; but it was bitterly assailed by the local press of Nebraska and condemned by public opinion of the settlers whose lives and property were at stake. And the better judgment seems to point to the conclusion that a positive and ag-

gressive war policy would have reached the desired end more promptly and avoided much of the massacre and destruction of property which were to open the way to a finally enforced peace.

From the time Fort Atkinson was abandoned in 1827, until the establishment of old Fort Kearney, on the present site of Nebraska City, there was no military post in the Nebraska country. In 1838 General Edmund P. Gaines, commander of the western military division, recommended that a fort be established "at or near the mouth of the Big Platte on the right bank of the Missouri river." In 1842 the garrison at Fort Leavenworth numbered only 262, and the nearest posts were Fort Atkinson and one at the Sac and Fox agency, in Iowa, and Fort Snelling in Minnesota. In 1844 Fort Des Moines had been added to the posts of the Northwest, and there were 351 soldiers at Fort Leavenworth. The secretary of war again recommended establishing a chain of posts from the Missouri river to the Rocky mountains. "A military fort placed on the very summit [of the Rocky mountains] whence flow all the great streams of the North American continent would no longer leave our title to the Oregon country a barren or untenable claim."

The already light garrisons of the widely scattered posts of the Indian country were depleted at the outbreak of the Mexican war. Fort Des Moines was abandoned, March 10, 1846, and the garrison was ordered to Santa Fé; and on the 20th of June the regular garrison was withdrawn from Fort Atkinson (Iowa) and sent to the same place. The garrisons of Fort Snelling and Fort Leavenworth were reduced, the troops withdrawn going to Mexico. The commissioner of Indian affairs and the agent at Council Bluffs agency, in their reports for 1847, urged the building of a fort above the Platte, near Bellevue, "in connection with that to be established near Grand Island," for the protection of emigrants and the weaker tribes of Indians against the Sioux. The quartermaster-general of the army declared that the only practicable places for posts on the emigrant route to Oregon and California were on or near Grand Island,



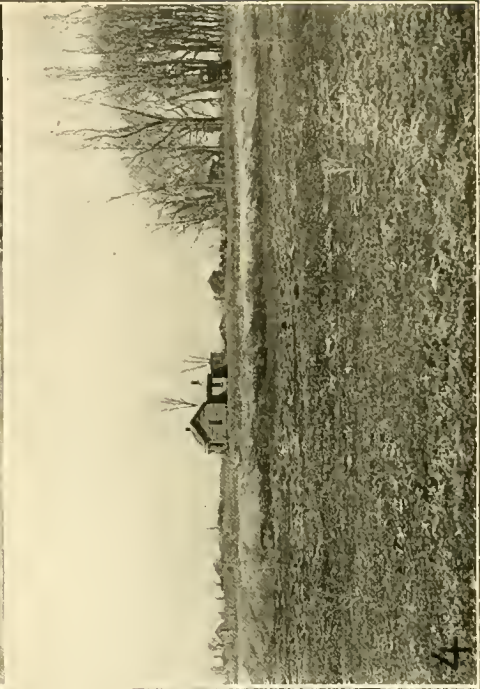
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1. Road between Kearney and old Fort Kearney, looking east. Fence on the left of the picture is from the framework of the old pontoon bridge across the Platte river. 2. Site of the sutler's post at Adobe town, one mile west of the old fort. 3. Trees around the officers' quarters, northwest of and cornering on the old fortifications—looking east. 4. Remnants of the fortifications, southeast of and cornering on the quadrangle of trees around the officers' quarters—looking a little north of west. Embankments in foreground now about five feet high. The house in the background is the home of W. O. Dungan, the present owner of the site.

about ninety miles below the junction of the forks of the Platte river, at Fort Laramie — then a fur company's post — 170 miles above the forks, and perhaps a small post higher up on the north fork.

The second military post within the present Nebraska was established in July, 1847, near the center of the tract which subsequently became the town site of Nebraska City. It was doubtless found to be too far from any line of travel, and, there being no settlements to protect, was only occupied temporarily. The post was abandoned in May of the following year. In accordance with recommendations of General John C. Frémont, following his western explorations, Congress provided by the act of May 19, 1846, for the establishing of military posts along the Oregon route. The order issued from the war department March 30, 1849, to establish Fort Laramie, makes the following reference to the founding of Fort Kearney:

To carry out the provisions of the 6th section of the Act of May 19, 1846, relative to establishing military posts on the Oregon route, and to afford protection to the numerous emigrants to that country and California, the first station has already been established, under instructions of the Secretary of War of June 1, 1847, on the Platte river near Grand Island, and is known as Fort Kearney. The first garrison of this post will be one company First Dragoons and two companies Sixth Infantry, to be designated by the commander of the department.

In 1847, the war department made requisition on the state of Missouri for a battalion of mounted volunteers, "with a view to establish military posts on the Oregon route." Hitherto it had been impracticable to comply with that act, the Mexican war "demanding all the available force in that quarter." A battalion of 477 men and officers was raised, but not in time to prosecute the objects in view that year. The season was so far advanced that the troops could not proceed farther than Table creek, on the Missouri river, about 100 miles above Fort Leavenworth — the site of old Fort Kearney and of the present Nebraska City. The commanding officer — Lieutenant-Colonel Powell — was ordered to winter there,

and as early as practicable in the ensuing spring "hasten the completion of the posts, for the establishment of which he had received special instructions from the war department." In the meantime he should punish aggressions of the Sioux and Pawnees on the peaceable bands of other tribes and the persons and property of emigrant citizens, and attend to the payment of annuities to tribes in the vicinity. "The department was prevented by the demand for troops in Mexico, during the recent



HENSON WISEMAN

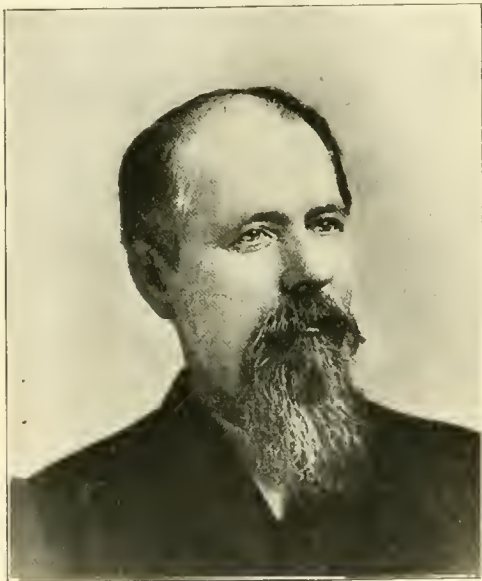
Early settler, Cedar county, Nebraska, where his family was massacred by the Indians.

war, from effecting much in respect to the establishment of military posts on the route to Oregon, required by the act of the 19th of May, 1846, beyond the selection of the first station on Platte river, near Grand Island and known as Fort Kearney." The post was formally established in May, 1848. As early as 1849 the garrison at Fort Kearney was used to some extent for the protection of emigrants from the then hostile Pawnees. The fort at that time is described by Stansbury, who found the famous Captain (now Colonel) Bonneville

in command with two companies of infantry and one of dragoons:

The post at present consists of a number of long low buildings, constructed principally of adobe or sundried bricks, with nearly flat roofs; a large hospital tent; two or three work shops enclosed by canvas walls; storehouses constructed in the same manner; one or two long adobe stables with roofs of brush, and tents for the accommodation of officers and men.

In 1849, a regiment of mounted riflemen was detailed "to establish two more of the chain of posts along the route to that terri-



MAJOR JOHN W. PEARMAN
Prominent early resident of Nebraska City

tory (Oregon) — one to be at or near Fort Laramie, a trading station of the American Fur Company, . . . and the other at the trading establishment at Ft. Hall, on the headwaters of the Columbia river," near enough to the Mormon settlement at Salt Lake to draw supplies, "and at the same time sufficiently near the direct road to Oregon to afford a stopping place for parties of emigrants to rest, repair their wagons, etc."

After the close of the Mexican war more attention was paid to the defense of the Indian country. In 1853 Fort Riley was established, and though situated on the Kansas river, near the site of the present Junction City, it

is designated in the official report as in "Nebraska Territory."

General troubles with the Sioux Indians, and in particular the Grattan massacre, led the war department to begin an aggressive campaign against them in the following spring, the formal order for which was issued by the secretary of war, March 2, 1855, and General William S. Harney was naturally selected to command the forces. His command comprised ten companies of the Sixth infantry, six of which were at Jefferson barracks; three were taken from Fort Laramie and one from Fort Kearney; the light battery of Fourth artillery from Fort Leavenworth; two companies of the Second infantry from Fort Riley; and four from Carlisle (Pa.) barracks; and four companies of the Second dragoons from Fort Riley. The four companies of the Second infantry from Carlisle and the two companies of infantry from Fort Riley were transported by boat up the Missouri river. The rest of the troops in question were ordered to rendezvous at Fort Kearney and Fort Laramie. General Harney marched with his forces — about 1,200 in number — from Fort Laramie to the battlefield of the Blue Water; and on the 19th of October he arrived at Fort Pierre after scouting the Brulé country on the White and Cheyenne rivers. General Harney's army wintered at and in the vicinity of Fort Pierre. On the 14th of April, 1855, P. Chouteau & Co. sold the trading post called Fort Pierre, which they had established in 1832, to the United States for a military post, possession to be yielded June 1, 1855. The consideration for the transaction was \$45,000 on the part of the United States and little more than a collection of huts in bad repair on the part of the company; but such discrepancies were familiar incidents in the dealings of the Indian department of the western frontier. Two steamboats were bought and six others hired to transport the first garrison and their winter stores to this fort. It was situated on the west bank of the Missouri river, opposite the site of the present capital of South Dakota, of the same name. Owing to a prolonged drouth

in that part of the country it was difficult to procure the necessary supply of hay, so that it was proposed to winter part of the horses near Council Bluffs. General Harney did not approve of Fort Pierre as a permanent post, largely because the country round about it was very barren; and but little money was spent in its improvement. He preferred a location on the west bank of the Missouri river thirty miles above the mouth of the Niobrara; and through his influence all that was of value and portable belonging to Fort Pierre was moved to this location, which was named Fort Randall, after a colonel of the regular army. A part of the garrison of Fort Pierre was sent to the new post during the summer of 1856, and on the 16th of May, 1857, the fort was finally abandoned.

During the summer of 1856 a considerable part of General Harney's command was stationed at old Fort Lookout, situated about twelve miles below the big bend of the Missouri river.

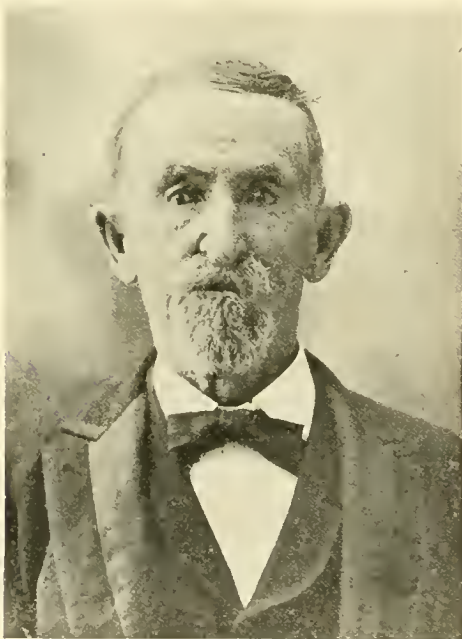
As the political organization of Nebraska was born in the throes of a desperate national contest, so likewise the ears of its very first settlers were attuned to war's alarms. Among the organic proclamations issued by Acting Governor Cuming was one calling for the organization of two volunteer regiments for the reason that "different tribes of Indians, within the limits of this territory, have made manifest their purpose to commit hostilities upon the pioneers of Nebraska; some of them openly threatened to root out the frontier settlements"; and "some bands of said tribes have committed frequent depredations upon parties of emigrants to Utah, Oregon, and California during the past season and have threatened to renew their attacks during the coming spring." The territory was in a state of desultory warfare with the Indians from the beginning until 1868, but hostilities were most severe in 1864 and 1867. The first regular military organization was authorized by the act of the second session of the legislature, January 23, 1856. This act provided for the formation of two brigades, the first for the North Platte and the second for the South Platte section. The governor was commander-in-chief of these

forces, and a major-general and two brigadier-generals were chosen at a joint session of the legislative assembly the day after the act was passed. John M. Thayer was chosen major-general; Leavitt L. Bowen, brigadier-general of the first brigade, and Hiram P. Downs brigadier-general of the second brigade.

For the Civil war the territory furnished the remarkably large quota of 3,307 men and officers out of a total population of less than 30,000. These men were organized in the First regiment, Nebraska cavalry, 1,370 rank and file; the Second regiment, Nebraska cavalry, 1,384 rank and file; the Curtis Horse, 341 rank and file; the Pawnee Scouts, 120 rank and file; the Omaha Scouts, 92 rank and file. The First regiment, Nebraska volunteers, was organized in June, 1861, as an infantry regiment; but in November, 1863, it was changed by order of the war department to the cavalry branch of the service. The organization of the regiment was completed by the 30th of July, 1861, with John M. Thayer, colonel; and on that date the first battalion, under command of Colonel Thayer, left Omaha by steamboat and arrived at St. Joseph, Missouri, on the 1st of August and at Independence in the same state on the 3d of August, but returned to St. Joseph on the 5th. On the 15th of August the rest of the regiment joined this battalion at Pilot Knob, Missouri. The regiment went into winter quarters at Georgetown, Missouri, but during the winter saw hard service in the field. On the 11th of February, 1862, Colonel Thayer's command arrived at Fort Henry, Tennessee, and then went to Fort Donelson and arrived there on the 13th. The regiment was assigned to a brigade which was commanded by Colonel Thayer, and it made a fine record in the attack on this fort, which resulted in its capture. This regiment also did splendid service in the famous battle of Shiloh, under the brigade command of General Thayer and in the division of General Lew Wallace. The regiment did good service campaigning in Arkansas and Missouri until August 28th, when it was ordered to St. Louis. Under its new cavalry organization it was again sent to Arkansas, where it was kept in active service until January, 1864, when the

veterans of the regiment were granted furloughs until August 13th, and they arrived at Omaha on the 28th of January. On the 18th of August these veterans were ordered to Fort Kearney and arrived there on the 23d.

By an order dated January 31, 1865, the First battalion, Nebraska veteran cavalry, was consolidated with the First Nebraska veteran cavalry, under the name of the First Nebraska cavalry. The new regiment remained in the Plains country, scouting and fighting Indians, in which service the old organization had also been engaged, until it was mustered out at



EDWARD DE MORIN
Early Nebraska trader, scout, and guide

Omaha on the 1st of July, 1866. This regiment from the first did splendid service and won great praise from soldiers as well as civilians.

On the 31st of July, 1862, Governor Saunders issued order No. 1, in which it was required that "all male residents of the territory between the ages of twenty-one and forty-five should forthwith enroll their names in independent or militia companies of not less than thirty-five nor more than sixty-four persons each."

There was much resentment shown against

General Lane's alleged intrusion into the territory to raise recruits, under an order of the secretary of war, dated July 22, 1862, within the department of Kansas which included Nebraska, and on the 18th of August, Governor Saunders issued a proclamation as follows:

WHEREAS, Certain persons, representing themselves to be recruiting officers for volunteer regiments organizing in the states of Kansas and Missouri, are striving to induce citizens of this territory to enlist in said regiments; and whereas, I have been notified that officers have been detailed and will shortly arrive in the territory to recruit in our own regiment now in the field, which, together with the number necessary for our home protection, will require every volunteer that the territory can furnish: Now, therefore, I, ALVIN SAUNDERS, governor of the territory of Nebraska, do hereby give notice to all such persons that they must immediately desist from their attempts to procure enlistments in this territory for regiments organized or about to be organized in any other state or territory, and I do forbid any and all citizens of the territory to enlist in any regiment, battalion, or company not expressly authorized to be raised by this department, or to go beyond the limits of this territory to so enlist in any other state or territory.

On the 15th of April, 1862, Colonel Robert W. Furnas, up to that time publisher of the *Advertiser* at Brownville, left that place with Dr. Andrew S. Holladay and Lieutenant-Colonel Stephen H. Wattles of Washington county for the headquarters of the First regiment, "Indian Home Guards," in the Indian territory of which he was colonel. Colonel Furnas was for a time acting brigadier-general of the three Indian regiments in the interior of the Indian territory and participated in several engagements. In the fall of 1862 he resigned the office of colonel of the First Indian regiment for the reason that, "such has been the course pursued toward the Indians for the past few months that he could no longer render them useful in the service." Colonel Furnas had "devoted nearly his whole time to military matters since the rebellion broke out" — seven months in active service in the field. It was said that "to him, perhaps, more than any other man, is southern Nebraska indebted for its military ardor, and the consequent unparal-

led number of men in the field in proportion to population," and that "he has gone to work vigorously assisting to raise the second company from this section for the new cavalry regiment."

On the 9th of September, 1862, Acting Governor Paddock sent the following telegram to Secretary Stanton of the war department:

Powerful bands of Indians are retiring from Minnesota into the northern counties of this territory. Settlers by hundreds are fleeing. Instant action is demanded. I can turn out a militia force, a battery of three pieces of six-pounders, and from six to ten companies of cavalry and mounted infantry. The territory is without credit or a cent of money. Authorize me by telegraph to act for the general government in providing immediate defense, and I can do all that is necessary with our militia if subsisted and paid by government.

This communication was referred to General Pope who was in command of the military department — department of the Missouri — with headquarters at St. Paul. Inspector-General Elliott was sent to Omaha to negotiate with the governor, and the organization of the Second regiment, Nebraska cavalry, with R. W. Furnas as colonel, followed. On the 3d of September, 1863, this regiment, under command of Colonel Furnas, bore the principal part in a sharp and successful engagement with about 1,000 Indians at White Stone Hill, in what is now central South Dakota. The regiment had enlisted for nine months and was mustered out at the end of that time.

In December, 1861, the Curtis Horse cavalry regiment, which included the Nebraska battalion commanded by Lieutenant-Colonel M. T. Patrick, was organized. Three of the companies of this battalion were recruited at Omaha and the other at Nebraska City. The regiment was ordered to Tennessee, but on the 14th of February crossed the river and went into camp at Fort Heiman, Kentucky. It was kept in active service until June 25, 1862, when it was assigned to the state of Iowa under the name of the Fifth Iowa cavalry, with officers as follows: W. W. Lowe, colonel; M. T. Patrick, lieutenant-colonel; A. B. Bracket, major; William Ashton, lieutenant

and adjutant; Enos Lowe, surgeon; B. T. Wise, assistant surgeon; Charles B. Smith, quartermaster. This regiment saw constant active service until the close of the war.

Nebraska volunteers of the Civil war were cosmopolitan in their enlistment. "Although there is in the union army but one regiment of infantry and a few companies of cavalry that bear the name of Nebraska, yet she deserves credit for contributing as large a number of soldiers, in proportion to her inhabitants, as any state or territory in the union. There is scarcely a regiment from either Kansas, Missouri, Iowa, or Illinois, without more or less from Nebraska. In reading of regiments from Ohio, Indiana and other places we frequently find names of soldiers whose home is 'in Nebraska.' A friend writes that in the regiment he belongs to (the Kansas Eighth) there are sixty-seven Nebraska boys. In the Kansas Second there is one company almost exclusively from Nebraska. In the Fifth regiment, Missouri state militia, there is another company from Nebraska. In [Benjamin F.] Loan's brigade at St. Joseph, among both officers and men there are many Nebraska boys, we know not how many, probably not less than 200. If as many have gone from other portions of the territory as from Nemaha county, there are not less than five thousand of the hardy veterans of Nebraska now fighting in the armies of their country."

When Indian hostilities broke out in the territory in the summer of 1864 Governor Saunders called out four companies of militia and a detachment of artillery as follows: Company A, Captain Thomas B. Stevenson, 53 men rank and file, mustered into service August 12, 1864, mustered out December 21, 1864; Company B, Captain Isaac Wiles, same number of men, mustered in August 13, 1864, mustered out February 13, 1865; Company C, Captain Alvin G. White, 57 men, mustered in August 24, 1864, mustered out February 7, 1865. These companies belonged to the First regiment, Second brigade. The fourth company, Captain Charles F. Porter, was Company A of the First regiment, First brigade, 47 men, mustered in August 30, and mustered out November 12, 1864. The detachment of artillery

militia, under Captain Edward P. Childs, numbered 13 men and was mustered in August 30 and mustered out November 12, 1864.

In the summer of 1864 a company of Pawnee Indians was formed under Captain Joseph McFadden. This company was known as Company A, Pawnee Scouts. On January 13, 1865, the company was increased to 95, and mustered into the service of the United States under Captain Frank J. North. On May 3, 1865, a company of Omaha Indians known as Company A, Omaha Scouts, Captain Edward R. Nash, was mustered into the service of the United States and mustered out July 16, 1866.



GENERAL WILLIAM SELBY HARNEY

It was estimated that during the ten years immediately preceding January 1, 1871, about 150 persons were killed, and stock and other property to the amount of more than \$25,000 destroyed by hostile Indians.

The counties of Platte, L'eau-qui-court, Jefferson, Cedar, Buffalo, Seward, and Butler, besides the unorganized territory to the west, were the worst sufferers from these depredations.

Contemporaneous accounts of the troubles

with the Indians in Nebraska which are preserved in the territorial newspapers and in local official publications supplement the reports of the federal war and Indian departments with additional facts and illustrative descriptions. In his message to the second general assembly, December 18, 1855, Governor Izard relates that on the 30th of the previous July he received an express from Fontenelle bringing the news that a party of citizens had been attacked about ten miles from the town in which men were murdered and scalped, and a woman wounded, marvelously escaping with her life. The governor had immediately ordered Brigadier-General Thayer to raise a volunteer force, and soon a company of forty men was mounted, armed, and equipped under command of Captain W. E. Moore and dispatched to Fontenelle — all within fifteen hours from the receipt of the news of the outbreak. A post was established at Fontenelle, and small companies were stationed at Elkhorn City and one at Tekamah, which were kept there until the 9th of October, when it was ascertained that the Indians had retired into the interior.

The *Nebraska City News* of July 10, 1858, reports that the Pawnee Indians — “those miserable aborigines” — are troublesome to trains on the Utah route, and as General Denver, Indian commissioner, made a treaty with them the previous September for an annuity of \$40,000, they ought to be paid in Nebraska City so that pledges for good behavior might be taken; and, July 2, 1859, the same journal reported that recently the Sioux made a descent on the Pawnee village, situated on the Platte river south of Fremont, and burnt it to the ground. The Pawnee warriors were absent on their annual hunt, but some of the old men and women were killed. The Pawnees acknowledged their inferiority to their implacable western foes by applying to the Poncas and Omahas for assistance. The same paper, July 30, 1859, notes the return to Omaha of the army that chased the Pawnees, and that, according to the *Nebraskian*, the citizens gave them an enthusiastic welcome. “A more thievish, rascally set of scoundrels cannot be found . . . but this would have been

no justification for cutting them to pieces when they threw away their arms and declared they wouldn't fight." They signed a treaty for indemnity for all depredations and acceded to all demands made upon them. The *Dakota City Herald* of September 10, 1859, says the Indians — mainly the Brulés and Ogallala Sioux — about the Niobrara river "are becoming too insolent and too bold for quiet to reign much longer in these parts." The *Omaha Republican*, January 4, 1860, learned from Clement Lambert of Decatur that the Brulé Sioux Indians had made a descent upon the Omaha village on December 21st, and carried off sixty-five horses. The *Nebraskian* of May 12, 1860, states that the Sioux on the Loup had recently attacked the Pawnees, killing five squaws, and some time before, eighteen of their horses.

The *Huntsman's Echo*, September 6, 1860, published at Wood River Center by Joseph E. Johnson, observes that "It seems that the demand of Major Gillis (Pawnee agent at Genoa) for troops to protect the Pawnees from the rapacity of the Sioux has been indorsed at headquarters, and already a detachment of horse and foot have gone over." The same paper reports a descent by thirty Cheyennes on the Pawnee village, and that six hundred Sioux and Cheyennes were at Fort Kearney "on their way to flax out their friends the Pawnees."

The *Dakota City Democrat* of April 20, 1861, had just learned that "the inhabitants of Niobrarah, assembled in arms and boarded the steamer Omaha, when she landed at that point, and demanded that she should go no farther up the river, but should at once steam down stream. They also stated that they would allow no boat to pass up for the purpose of removing the Fort Randall troops, as they were all the protection the frontier had. A difficulty occurred when the citizens and the steamboat men commenced on each other. Four persons are known to have been killed, and several wounded. The Omaha was obliged to turn down stream." The *Nebraska City News*, May 2, 1861, insists that there is no danger from the Sioux and their allies if they are only let alone. Many people are afraid to travel up the valley, yet improvements are

going on and stocks of goods laid in by those who are there, without fear of danger. The territorial press protested strongly against the removal of troops from the forts soon after the beginning of the Civil war.

The *Nebraska City News*, July 13, 1861, complains bitterly that the Nebraska regiment is all kept at Omaha while the agent at the Otoe reservation had requested part of it to be sent there, as the Indians were unruly. The *News* quotes the *Brownville Advertiser* as saying that for two weeks "our people have been



GENERAL JOHN MCCONIHÉ
Soldier and pioneer of Omaha

drawn upon extravagantly as to time, money, and rest in the exercise of such precautionary means as have been deemed indispensable for safety and quiet. The timid are becoming alarmed and are leaving. Several farmers have left prosperous farms and crops and gone back to the states." The *News* charges Acting Governor Paddock with sectional favoritism in immediately asking the war department to send troops up the Platte valley on the report that the Sioux are making trouble there. The *News* of July 20, 1861, reports that several families have come in from the Nemahas and

Salt creek from fear of Indians, but thinks there is no good ground for alarm. It relates that "Monsieur Vifquain" [General Victor Vifquain, who lived on the Blue seventy-five miles west] reports that 4,000 Pawnees are camped near his ranch, but that they are peaceable and show no disposition to trouble the whites. They brought their squaws and pap-pooses to the settlement for protection while they were fighting the Sioux who were between them and the buffalo ranges where they wished to hunt. The *News* of the same date charges that Acting Governor Paddock had quietly sent United States troops from Fort Kearney up the Platte without any authority from the war department.



"JIM" LANE

Prominent in the early history of Kansas and Nebraska. A lieutenant of John Brown

The *Nebraskian*, July 17, 1863, reports that Colonel Sapp, just from the Pawnee agency, predicts that there will be a fight on the Republican river between the Sioux, who number about 5,000, and the Pawnees and Omahas, who have 1,800 warriors. The same paper, June 3, 1864, refers to a letter from Grand Island dated May 24th which says: "It looks very much like war here; 2,500 Yankton Sioux are coming down the north side of the Platte and have killed ten soldiers; also 1,600 Arapahos and Cheyennes are on the south side of the river and have nearly disposed of a company of Colorado volunteers"; July 31, 1863, that, owing to the exposed condition of the Nebraska frontier to Indian depredations the administration at Washington has suspended all operations under the conscription act in Ne-

braska and Dakota; and again, July 8, 1864, gives an account of the murder of two men by the Pawnees which created great alarm and excitement. Patrick Murray and his brother-in-law, Adam Smith, with a number of hands, were cutting hay three miles from the Pawnee reserve on Looking-glass creek, and Mrs. Murray was there cooking for the party. A band of Pawnees appeared about seven o'clock in the evening, and after cutting the horses loose, shot an old man through the head, killing and scalping him, and wounded Smith with an arrow. They also wounded Mrs. Murray as she was extracting the arrow from Smith, and another man by the name of Grimes. Smith died afterward from his wound. The same paper, August 12, 1864, says that in the Platte valley "murder, rapine and plunder are the order of the day," and it charges that the governor is derelict in not furnishing soldiers. When Colonel Livingston offered the services of his veteran First regiment he could get no satisfaction. A large train had been destroyed by the Indians the day before, at Plum Creek; and it was reported that James E. Boyd's ranch, ten miles east of Fort Kearney, had been attacked. At Pawnee ranch William Wilder's train was corralled and fought the Indians from four o'clock until dark, two of the party being wounded. The same paper reports that S. G. Daily had sent a dispatch to the governor informing him that sixteen men were found on the Little Blue who had been killed by the Indians. August 17, 1864, this journal contains accounts by First Lieutenant Charles F. Porter, of the Nebraska veteran cavalry, of attacks on ranches and trains both east and west of Kearney, and he complains bitterly of the utter lack of proper means of defense, and insists on "war to the knife and no prisoners." The hostile Indians comprised Arapahos and Cheyennes, and there were perhaps Brulé Sioux and Comanches among them. A correspondent in the same paper charges the outbreaks to the dishonest practices of the government Indian agents, whose frauds were "of the most revolting character — putting to blush the most hardened Indian trader." By October 28, 1864, the *Nebraskian* insists, in the interest of

trade if not of truth, that Indian troubles between Omaha and Denver have been suppressed and that refugees may safely return.

The *Omaha Republican* of August 12, 1864, reports that, "the recent Indian murders in the Platte valley point clearly and unmistakably to a general uprising of the savage hordes who inhabit western Nebraska and Colorado, Idaho and Utah. Within forty-eight hours between twenty and thirty dead bodies have been found at different points west of us and we hear of numerous depredations upon stock and trains. Men have been murdered at Thirty-Two Mile Creek, Lone Tree Station and Plum Creek; the pickets at Fort Kearney have been fired upon, the train destroyed at Plum Creek was burned up and thirteen men murdered. The Indians are led on in their infernal barbarities by white men painted and disguised as savages." The Plum Creek massacre was perhaps the most atrocious of all the Indian barbarities in Nebraska. On the 9th of August Colonel Summers of the Seventh Iowa cavalry found that besides the thirteen men killed there were five men, three women, and several children missing. A hundred Indians attacked a wagon train, killing, sacking, and burning with characteristic savagery. On the 11th of August, 1864, Adjutant-General W. H. S. Hughes called for a regiment of six companies to be raised each side of the Platte, sixty-four men to a company; the North Platte companies to report to Brigadier-General O. P. Hurford at Omaha, and the South Platte to report to Colonel Oliver P. Mason at Nebraska City. On the 22d the adjutant-general called on all able bodied men in the territory, between the ages of eighteen and forty-five, to enroll themselves in the militia. The *Republican* of August 26, 1864, reports a condition of great excitement at Omaha, and states that the authorities have ordered business places closed and parties capable of bearing arms to report for duty. "We have learned enough within the last twenty-four hours to satisfy us that the city is in peril. It is not chiefly from Indians that this peril comes." The *Republican* professed to believe that there was danger of attack from bands of white guerrillas, who were roaming about the country and inciting and

leading the Indians to attack. Two hundred head of cattle belonging to Edward Creighton had been driven off only twenty miles west of Omaha on the 22d of August and twenty families had just come in from the Elkhorn settlement. Major General Curtis had recently sent 300 of the First Nebraska veterans to Plum Creek.

Ben Holladay filed an omnibus claim against the federal government for damages he had suffered by Indians while he was a transcontinental mail carrier. Among the affidavits which supported these claims is that of George H. Carlyle, one of the drivers on the line:

On the 9th of August, 1864, I left Alkali Station for Fort Kearney. On reaching Cottonwood Springs I learned by telegraph that the Indians had attacked a train of eleven wagons at Plum Creek (now Lexington), killed eleven men, captured one woman, and run off the stock. I started down the road, and when a few hundred yards off Gillman's Station I saw the bodies of three men lying on the ground, fearfully mutilated and full of arrows. At Plum Creek I saw the bodies of the eleven other men whom the Indians had murdered, and I helped to bury them. I also saw the fragments of the wagons still burning and the dead body of another man who was killed by the Indians at Smith's ranch, and the ruins of the ranch which had been burned.

The tenth general assembly adopted a memorial to Congress in January, 1865, which recited that in August, 1864, "portions of the Sioux, Cheyennes, Kiowas, Comanches, and Arapahos confederated together for the purpose of attacking the frontier settlements of Nebraska and the emigrant trains en route to Colorado and the gold mines." Without the slightest warning the Indians had attacked the settlements along the Little Blue river in Nebraska, "killing men, women, and children without mercy, save in a few instances where they carried the women away captives to undergo a fate more terrible than death itself." They had attacked emigrant trains along the route named from forty miles eastward of Fort Kearney to the western border of the territory, killing settlers and emigrants, and driving off stock to the number of several thousand. Four companies of militia had promptly responded to the call of the governor

and marched to the frontier, furnishing their own horses and serving as mounted infantry. One of the companies served under Major-General Curtis throughout the Indian campaign, while the others guarded emigrant trains and the "Great Overland Mail and Pacific Telegraph," and the frontier settlements. This militia was under the immediate command of the commandant of the United States troops in this department. Three of the companies served for four months and the other for sixty days. Two of them at this time

Though the people had been very impatient, thus irritated by the constant menace and actual outrages of the savages during these many years, yet so long as the more important struggle for the Union lasted, public opinion was reasonable in its demands and public sentiment moderate in its expression. After the close of the war, however, complaint and denunciation were unbridled, and making due allowance for partisan bias on the part of Dr. Miller, his article in the *Omaha Herald* of November 10, 1865, is no doubt a fair ex-



NATIONAL CEMETERY AT OLD FORT MCPHERSON, FIVE MILES SOUTH OF MAXWELL ON THE UNION PACIFIC RAILROAD

had been mustered out by reason of the expiration of their term of enlistment and two were continued in the service. None of these soldiers had received any pay for their services or for the service or loss of their horses. As has already been recited, an appropriation of \$45,000 was made by the national Congress to meet the expenses of the war of 1864, and claims to the amount of \$28,000 were allowed. The same assembly adopted a joint resolution of thanks for the gallant services of these militia companies.

pression of popular feeling, and a not much overwrought presentment of the status of the Indian troubles at that time. The aggressive editor says that the Indian war had continued for three years, beginning in the horrible Minnesota outbreak caused by a long series of outrages committed by the whites. "This infamous imbecility [of Stanton's] — persistent, dogged, damnable disregard of the interests of the west — amounts to high crime, and we call upon the press and the people of Nebraska and the west to unite in arraigining the pes-

tiferous, bull-headed potentate of the war office. . . . Counseled by Sherman, Grant, Dodge and his subordinates to a certain military course he first assents to practice vigorous war against these Indians. The work of preparation is barely commenced when he countermands everything, cuts off supplies so as to starve a trusting soldiery, reduces the force necessary to conquering a speedy peace and at last recalls the army, thus leaving the whole overland line and thousands upon thousands of men, women, and children and millions of property exposed to the scalping knife and ravages of numerous bands who are again let loose to destroy the lives of our people and the commerce of the plains." The philippic proceeds to insist that the war had but just

body of Indians, fifteen soldiers and four citizens were killed according to the report. The *Omaha Republican* of February 3, 1865, gives this alarming account of conditions at that time:

Not less than 3,000 Indians are on the line of the overland mail route committing every species of barbarity and atrocity which their fiendish imaginations can invent. They can capture Fort Kearney or Fort Laramie at any time they choose, and there is no power at the disposal of General Curtis or Colonel Livingston to prevent it. They burned Valley station on Saturday and drove off 650 head of stock and burned 100 tons of government hay which cost \$5,000. Yesterday they burned all the ranches from Valley station east to Julesburg. . . . The plains from Julesburg west for more than 100 miles are red with the



Engraving from *History of Wyoming* by C. G. Coutant.

FORT LARAMIE IN 1836

commenced, and that the white man's interests were worse off than they were a year ago, as the Indians were rallying again, believing that they could not be whipped.

The *Nebraskian* of January 19, 1865, insists that Indian troubles are still rife notwithstanding that the governor's message had declared that they had "been brought to a successful termination." There is abundant evidence of a tendency at this time on the part of public officers and other promoters of emigration and trade for the territory to disregard the safety of settlers in their reports of the attitude of the Indians. In the fight at Julesburg on the 7th of January, 1865, between forty soldiers and some citizens and a large

blood of murdered men, women and children; ranches are in ashes; stock all driven off — the country utterly desolate. The sober truth is a gigantic Indian war is upon us. It is as much as a man's life is worth to attempt to run the gauntlet between Omaha, Nebraska City, Atchison or Leavenworth and Denver City with a load of supplies for the mines of Colorado.

The *Nebraska City News*, August 16, 1867, quotes the *Omaha Herald's* account of a battle between an escort of the Twenty-seventh regiment, infantry, commanded by Major Powell, and from 2,000 to 5,000 Indians, who attacked a train of thirty-six wagons, owned by James R. Porter of Plattsmouth, on the 2d of August, five miles from Fort Phil Kearney. The

soldiers fought within a corral of wagons and breastworks of wagon-beds and ox-yokes. After a fierce battle of three hours Major Smith with two companies of soldiers arrived, when the Indians gave up the fight. Sixty Indians and five soldiers besides Lieutenant Jenness were killed. The same paper, September 6, 1867, gives an account of a meeting of citizens of Saline and Seward counties at Camden, August 31, 1867, at which a company was organized for home protection with General Victor Vifquain as captain and A. J. Wallingford and John Blackburn, lieutenants. The meeting recommended that similar companies be raised on Turkey creek and on the North and West Blue with General Vifquain as commander of all the organizations. The resolutions adopted recite that for the last four years the Indians of the Plains had waged incessant warfare upon their neighbors, that it was the duty of every man to arm himself, and that no Indians be allowed to pass through their settlements.

The *Republican* of January 18, 1867, notes that 8,000 troops have been ordered for service on the Plains and in the mountains, but doubts that these will suffice for a thorough chastisement of the Indians. In the massacre by the Indians near Fort Phil Kearney, in December, 1866, ninety-four soldiers and citizens were killed. The same paper, February 8, 1867, in noting that Captain Frank J. North of Columbus had been authorized by the war department to raise a battalion of Pawnees for service on the Plains, says that his Pawnee scouts in the last Indian troubles were known all over the Plains. The same paper, May 31, 1867, after reporting Indian disturbances around Fort Laramie, insists that "it can no longer be doubted that there is very great trouble out on the plains with the Indians, and that the season is to be one of bloody and general Indian war." On the 10th of July, 1867, the *Republican* says that information had been received at military headquarters of an attack by forty-five Sioux on twenty-five of General Custer's men — Captain Hamilton, Seventh United States cavalry — near the forks of the Republican. The Indians were driven off with a loss of two killed and several

wounded, the loss of the defense being one horse wounded. On the 26th of June between 500 and 600 Sioux and Cheyennes attacked forty-eight of Custer's men under Lieutenants Robbins and Cooke, Seventh cavalry, but were driven off. Two of Robbins's men were slightly hurt. On the 24th of the same month the Sioux surrounded General Custer's camp, but were driven off with a loss of only one man wounded. The *Republican* of July 17, 1867, notes a successful skirmish between a detachment of Major North's Pawnee Scouts and hostile Indians on Coon Creek, Dakota territory, in which the training and skill of the white officer were successful.

The *Nebraska City News* expresses the opinion that the new policy under which all hostile tribes of Indians were to be put upon reservations and cared for and fed would be less expensive and more satisfactory than the policy of the "inefficient half-waged war such as we have been cursed with." The *News* credits General Thayer with having much to do in bringing about this policy. The *Republican* of August 14, 1867, noting that the commission appointed under the recent act of Congress to treat with the hostile Indians of the Northwest will arrive in Omaha, insists that peace must be brought about, "or we shall have a war so gigantic in its proportions that peace or extermination will be the only alternative left to the Indians." Recounting some of the difficulties under which the Union Pacific railway was built this paper says: "Engineers surveying the work have been killed — men at work upon the grade have been killed — their stock has been stolen and driven off — contractors to furnish ties have been compelled to abandon their work, and there are serious apprehensions that track laying will be temporarily suspended." Trade and commerce along the line had been curtailed fully one-half. "Omaha alone has suffered a greater loss from the Indian disturbances of the last three years than the aggregate of all the produce profits of the army contractors would produce should the war continue to the end of the present generation." It is stated that two bands of Sioux — Brulés and Ogallalas, Red Cloud and his followers controlling the

latter—are responsible for much of the trouble of the last year. The Brulés, under Spotted Tail and Standing Elk, have been peaceful and will remain so. But the Cheyennes, by far the most formidable, without the leadership of the Sioux, would be easily conciliated. The Sioux are adepts at thieving, but for bold and daring enterprise and hard fighting the Cheyennes are the most formidable. The *Republican* of the same date gives an account of the looting of a train of cars by the Indians. They had undermined a culvert six miles from Plum Creek, thus throwing the train off the track.

In the United States Senate, July 17, 1867, in speaking on the bill to establish peace with certain tribes General Thayer disputed Senator Morrill's contention that the Union Pacific Co. had violated the treaty rights of the Indians by running through their lands. General Thayer said: "The Union Pacific Railway has been built over lands which have been ceded, over which the Indian title has ceased. They may have got now a little beyond the ceded territory. I do not know how the fact is; but for 300 miles in Nebraska the lands have been ceded I know, and so it is in Kansas, as my friend from Kansas (Mr. Ross) informs me." General Thayer argued that these Indians should not be sent to Indian territory, but should be kept north where they came from and in their present homes. He said that depredations had commenced from the very first on ceded lands. The Pawnees,

Winnebagos, and even the Santee Sioux, a band which was engaged in the Minnesota massacre, were now located on reservations in northeast Nebraska and were all friendly. He did not object to the Sioux Indians being settled on the northern border of Nebraska, but insisted that the policy of moving them on was not practicable: they must be settled somewhere, and there should be complete separation. He said that the Indians were hostile to the building of the Union Pacific railway because it divided their buffalo range.

The *Republican* of August 21, 1867, reports that Governor Butler is still in the vicinity of the recent outbreak, organizing a force to repel the invaders. Beatrice and Big Sandy seem to be the only parts yet menaced. The same paper contains a dispatch from Governor David Butler to his secretary, Charles H. Gere, Omaha, dated Big Sandy, August 11, 1867, as follows: "Send 100 stand arms, 50 rounds cartridges to each, to D. C. Jenkins, Brownville. Please send immediately. The Indians are on the war path." The same paper reports that three men were killed in the vicinity of Big Sandy on the 8th of August, thirty-five miles west of Beatrice. The *Republican* of September 25, 1867, contains a letter from North Platte, dated the 18th inst., saying that the peace commissioners, and the Indian chiefs, Standing Elk, Swift Bear, Pawnee Killer, Spotted Tail, Man that Walks Under the Ground, and Big Mouth are there for negotiations.

CHAPTER XVIII

TERRITORIAL PRODUCTS

BOTH Bryant and Parker discerned with prophetic eye the potential agricultural riches of the Nebraska country. After passing through northeastern Kansas and southeastern Nebraska along the valley of the Blue, Bryant remarked that, with the exception of the single objection of want of timber, "the country appears to be the most desirable, in an agricultural point of view, of any which I have ever seen. It possesses such natural wealth and beauties, that at some future day it will be the Eden of America. When that epoch arrives, he who is so fortunate as to be then a traveler along this route, may stand upon one of the high undulations, and take in at a single glance, a hundred, perhaps a thousand villas and cottages, with their stately parks, blooming gardens and pleasure grounds; their white walls seen through the embowering foliage, and glittering in the sunbeams from every hilltop and slope of these magnificent plains." Even the cynically inclined Kelly's prejudices were melted by the charming prospect of the country along the two Blue rivers:

Knolls of gigantic dimensions, covered with fine timber in young foliage, being irregularly scattered over the plain, which was intersected with numbers of streamlets, all tributaries of the Little Blue; clumps of trees standing here and there in the different angles formed by their courses. All it required to complete its pastoral charms being the flocks and herds, and the neat but unpretending cottage of the shepherd peeping from the shady grove.

But in the dimmer distance of 1835 Parker was moved to enthusiastic prophecy at sight of the fertile land between the Elkhorn and the Platte. "This amazing extent of most fertile land will not continue to be the wandering ground of a few thousand Indians, with only

a *very few* acres under cultivation. . . . The herds of buffalo which once fattened upon these meadows . . . and the deer which once cropped the grass have disappeared; and the antelopes have fled away; and shall solitude reign here till the end of time? No: Here shall be heard the din of business, and the church-going bell shall sound far and wide." Mr. Parker insists that unless the Indians are brought under civilization and Christianity they will continue to melt away. He was not sociologist enough to see that the contact and competition with the race that should teach them the new faith and bestow the new knowledge would hasten rather than prevent their extirpation.

All of the early travelers from the '30s to the '50s speak of the heavy rain-storms which they encountered all the way from the Missouri river to Fort Kearney. Their reports seem to corroborate the most authentic records upon this subject, that there has been no change of climate in regard to rainfall since those times.

Though Father DeSmet's spiritual vision was all pervasive, yet it did not interfere with his material insight which was far keener than that of his literary contemporaries; for this is the picture he paints of the Plains of 1851:

Between the Nebraska and the Wasecha, or Vermillion, for about four hundred miles, the forests are vast and beautiful, often intersected by rich prairies of turf and verdure. This contrast delights the traveler. Every time he enters the desert he cannot refrain from admiring this succession of forests and plains, this series of hills which encircle them and present such a variety of forms—here and there covered with trees and underwood of a thousand kinds, sometimes rising, bold, rugged cliffs, to the height of one or two hun-

dred feet, and then noble plains, ascending gradually, with scattered groves, so pleasing to the sight that Art seems to have crowned the work of Nature. We wonder that we do not see farms, barns and fences. . . . Nature seems to have lavished its gifts on this region; and without being a prophet, I can predict a future far unlike the past for this desert. . . . These plains, naturally so rich and verdant, seem to invite the husbandman to run the furrow, and promise an ample reward to the slightest toil. Heavy forests await the woodman — and rocks the stone-cutter. . . . Broad farms, with orchards and vineyards and alive with domestic animals and poultry, will cover these desert plains, to provide for thickcoming cities, which will rise as if by enchantment, with dome and tower, church and college, school and house, hospital and asylum. I speak here principally of the region from the mouth of the river Kansas to that of the Niobrarah or Eau qui coule, and extending beyond the Black Hills, continuing along their crest to the Rocky mountains, thence it follows southwardly the already existing limits of Utah, New Mexico, and Texas. This region contains several large rivers, . . . the principal of which are the Platte, the two rivers just named, and the headwaters of the Arkansas, Osage, and Red. . . . This great territory will hold an immense population, destined to form several great and flourishing states.

It has already been observed that, for reasons pointed out, the social beginnings of Nebraska were factitious and not a gradual growth like the settlement of the eastward states; and for several years after the political organization of the territory the political field was cultivated with much greater assiduity than any other. Four years after the organization of the territory, we are told,

Scarcely any produce enough to support themselves. Hundreds of acres of land, entered and owned by men who live among us, are allowed to lie idle doing no more good to the community than when the land was owned by the native savages. . . . We have now a home demand larger by far than we can possibly supply, with ready sale, good prices, and prompt pay, for everything we can produce.

The further statement is made that the federal government had, during that season, shipped vast quantities of farm products from

the east through Otoe county "to the different military stations west of here."

In 1858 it was said that the development of farming had taken place chiefly in the last year and almost wholly in the last two years. "Previous to the last season, farmers, or those disposed to cultivate the soil, were engaged, in common with other classes, in speculating, and did not consider the tilling of the soil sufficiently remunerative." But "hard times came on, speculation ceased, dealing in fancy town shares and 'city' property suddenly fell below par to a ruinously poor business, and the consequence was that the chief, first, and best employment in Nebraska — agriculture — was resorted to, with some as a necessity, with others because it would pay better than any other kind of business."

In May, 1859, Pollard & Sheldon, of the Weeping Water Falls flouring mill, were delivering sacks of meal at Wyoming for shipment below; and the encouraged editor remarks that, "This begins to look like 'living at home and boarding at the same place.' Two years ago the citizens of this county were dependent upon the supplies furnished us via the Missouri river; but now scarcely a boat departs but it is loaded to the guards with the surplus produce of the country seeking a market in the south and east." The *News* observes that crops in Nebraska never looked better than at this season, and in all probability there would be an immense surplus of corn; also that there would be a large surplus of vegetables and all kinds of grain except wheat in the territory that fall. The same paper remarks that "there have never been injurious frosts here."

Three years later an important change in the prosecution of the chief, or almost sole legitimate industry of Nebraska is noted:

Until within the past year we as a territory were non-producers. We were not raising our own supplies, and many of our citizens were indebted to eastern parties for loans contracted during the period of speculation, on which they were paying exorbitant rates of interest; and what little money we had in the territory continued steadily to flow to other parts in exchange for the necessary articles of consumption. Now behold the change!

We are exporting largely of our native products and the surplus so largely exceeds our consumption, or imports, that for the first time in four years, exchange is in our favor. The supply of exchange on New York and the east, together with that made by the shipments of gold dust, is continually exceeding the demand, and the result is that in Omaha and Nebraska City, the principal places where gold dust is negotiated and sold, exchange, though nominally selling at one-half premium, is in reality a drug on the market. Money is flowing into the territory from all directions.

Indian corn was established as the principal Nebraska crop long before white occupation.



LAWSON SHELDON
Prominent resident of Cass county

Coronado found the Indians cultivating this staple cereal in 1541. The Rev. Samuel Allis, the missionary, observes that the Pawnee Indians in Nebraska, with whom he dwelt in 1835, had a good corn crop, "and as they had plenty to eat they enjoyed it hugely." Major Long found the Pawnees in their villages about the Loup cultivating corn with success. "Fool Robe, their chief, excused himself from feasting us, saying his squaws were all absent at the corn fields."

King corn stimulated the imagination of the earliest settlers; and we find a local chronicler,

after noting the first load of corn for the season for sale on the streets at 85 cents — "price has usually been \$2.00" — exulting in the thought that supremacy in corn had gone successively from Ohio, to Indiana, to Illinois, to Missouri and to Iowa, and "now NEBRASKA is about to be crowned the *conqueror of the conquerors.*" We are told that in 1860 corn, so far, was the staple production, but the experience of last season dispelled the illusion that the climate was not suited to wheat.

Coronado in his letter to the king of Spain states that he found in the Quivera country "prunes (plums) like those of Spain and nuts and very good sweet grapes and mulberries." Wild grapes are mentioned by the earliest settlers as growing in the utmost profusion, and their enthusiastic expressions about the abundance of this fruit remind one of those of the children of Israel who had gone to spy out the unknown Canaan: "Now the time was the time of the first ripe grapes . . . and they came unto the brook of Eschol and cut down from thence a branch with one cluster of grapes and they bare it between two upon a staff."

The editor of the *Arrow* possessed to a remarkable degree that quality of imagination which underlies appreciation, and the first number of this paper tells us that "there is the greatest profusion of wild fruits in the territory that we have ever seen in any country," and then, in its own spelling, as free from the bonds of conventional usage as the society of the plains on which it is encamped, goes on to mention them: "Plums, grapes, gooseberries, strawberries, raspberries, currents, cherries, haws and hackberries. Many other minor varieties may be found in almost every locality, and exceedingly fine and large."

The press continues to make frequent mention of the abundance of wild fruits, which no doubt were valued as an important part of the food supply. As late as August 13, 1859, it was said that "there are quantities of wild grapes growing along the bottoms of the Missouri in this vicinity, and on the island opposite. Stacks of them are being gathered and pressed into wine, jell and a hundred other useful domestic purposes. Large quantities

are being used at the hotels in drinkables, adding great flavor and richness to the liquid. The grape is of a superior quality, surpassing everything we have ever seen."

In 1862 one of these local historians breaks out in an almost rapturous, but not overdone description of the richness of the Nemaha valleys:

The Big Muddy across the southwest corner of Nemaha county is also well timbered. The forest trees are generally burr oak, walnut, hackberry, ash, red and white elm, maple and mulberry. The wild plum—a rich fruit—grows everywhere in extensive thickets. Wild cherries are interspersed throughout all the groves. The woods abound with a sort of grape which has been proven by experiment to need but little cultivation to make it a useful luxury. Wild gooseberry bushes, bearing a fruit quite as large as the garden berry and much more palatable are very plentiful. Raspberries fill the underbrush; and in every glade or corner of the prairies, where they are protected from the annual fires, strawberries bud, flower, and waste their luscious fruit. Game is yet plentiful. Wild turkeys, prairie fowl, curlew, geese, ducks, sand hill cranes, pigeons, etc., are found in sufficient numbers to reward the chase of the laziest sportsman. Coyotes, wolf, catamount, wild cat, badger, otter, musk rat, mink, coon, squirrel, rabbit and beaver skins can be had at all times for the labor of shooting or trapping. Deer, elk and antelope are still within reasonable range of the Missouri river settlements. The buffalo have been driven back from the frontier, although a trip of two or three days in the spring or fall to the plains beyond the Big Blue will bring the hunter to vast herds of them, pursuing their semi-annual migrations. Rattlesnakes, copperheads, bull-snakes, gophers and ground-squirrels in great numbers make some of the annoyances to which the settler is subjected.

As we follow the editor of the *Arrow*, of excellent fancy, to the farthest frontier, at Wood River Center, we find him reveling in the same appreciation of the horticultural bounties of nature: "Rich, brown clusters of grapes—large, juicy and sweet, tho' in a state of nature. Of plums we never saw so large, or quality better, growing wild, and they seem to be abundant, we enjoyed them to a 'fulness.'" It is noted in the same paragraph that "trees cut by beaver and numerous paths,

slides, and dams are found along Wood river."

An item in the *Huntsman's Echo* is of interest because it advises us of the early response of Nebraska soil to the hand of the cultivator and of the whereabouts of a pioneer who was afterward to become a prominent citizen and governor of the state. The editor reports that he has received a present of the largest and finest watermelon of the season from J. E. Boyd who has "a most delightful and eligible farm seven miles above—comfortable buildings, several hundred acres fenced and near 200 in crops, a pleasant and an agreeable lady and a pretty baby."

The first legislative committee on territorial library was not lacking in imagination, either, judging by its report made through Councilman Samuel E. Rogers, on that part of the governor's message which related to minerals, thus:

For heavy forest we do find a complete equivalent in the vast coal beds which lie embosomed in our beautiful territory. Enough has been ascertained already by the observation and researches of the squatter citizen to satisfy the incredulous that we have coal enough for empires and to spare. This mineral wealth has presented itself in numerous openings throughout the whole extent of the valley of the Nemaha rivers, and on either side of the Platte from its mouth to its far distant source. There is no portion of our territory yet explored by the settler which does not possess ample quarries of choice and durable building rock, from many of which samples have been taken admitting a polish approaching that of marble. We have also had credible information from residents of Burt county that extensive quarries of red marble have been found in that county which admits of a beautiful polish. Red sand-stone also exists in the same vicinity which is worked from the quarry with great facility, and which on coming in contact with the atmosphere becomes so hard as to render it an excellent and durable building material. Granite is said to exist also in the more northern counties. Trappers of intelligence assert that large specimens of almost pure copper ore, easily obtained, may be procured some seventy or eighty miles west of the more northern counties. . . . Trappers have brought into settlements from near this vicinity specimens of rock-salt in samples sufficiently large, and

of quality pure enough to justify the opinion that this great staple may yet be mined in ample quantities in our own territory without being subjected to freight and charges incurred in carrying this commodity from Turk's island.

This quotation is not from the *Arabian Nights* but from the journal of the first territorial council (p. 60).

The source of the early lumber supply is pointed out in an item in the *Nebraska Advertiser* of February 26, 1857, which speaks enthusiastically of the fact that the sawmill at Brownville had "thawed out" and had begun to cut lumber faster than any other mill in Nebraska. The *Advertiser* advises the proprietors — Noel, Lake, and Emerson — that they will have to run day and night to supply the demand for lumber. Not less than fifty buildings were to be erected at Brownville during the ensuing season. The *Nebraska City News* notes that Lowne's shingle factory is turning out 40,000 excellent cottonwood shingles a week. A great deal of attention was given to gold mining by the settlers of present Nebraska during the times of feverish excitement over the discoveries of that metal in the neighborhood of Denver. The *Omaha Republican* notes that Kountze Brothers, bankers of Omaha, had bought from the gold mines since January 1, 1860, gold dust to the amount of \$4,850, and to the amount of \$19,000 during the year.

The *Omaha Nebraskian* reports that, notwithstanding the dry season, wheat, rye, oats, and barley are abundantly fine and heavy and seem to test the capacity of the soil for cereals. The *Nebraskian* was of the opinion that the Wood river country was the best wheat-growing region in Nebraska and that that cereal would be a great staple there. The *Nebraska City News* advises farmers to sow large quantities of wheat, as it was the best paying crop last season. There was to be a large steam mill built at Nebraska City so that farmers would no longer be annoyed and inconvenienced in getting their grists ground.

As early as August 14, 1863, the *Nebraskian* announces that the crop of both winter and spring wheat was very fine that year and

strongly urges its increased cultivation; so that the general cultivation of this cereal which has been in actual practice only during the last few years, is a recrudescence of this early theory and practice rather than an original enterprise. The *Omaha Republican* announces that Nebraska has become a wheat-exporting state with St. Louis the principal market. Nebraska wheat commanded a higher price by ten cents a bushel in St. Louis than the same grain from any other part of the country. The *Republican* confidently prophesies that Nebraska is destined to be a great wheat-growing region; and the prophecy seems to be in process of fulfilment at the present time.

The *Nebraska City News* copies from the first number of the *Democrat* of Dakota City an account of great crops of corn raised in the past year in Dakota, Dixon, and Cedar counties. There were over 200 improved farms in Dakota county at that time and 3,000 acres of corn. The yield generally ran up to 70, 80, 90, and 100 bushels an acre. For a climax it was noted that Alex MacCready — who afterward became well known as a leader of the Greenback party and editor of a greenback newspaper — raised 140 bushels an acre. The chronicler doubtless assumed that due allowance would be made for inflation in these figures. Dixon county at that time was raising much wheat which was ground at the Ponca mills. The *Nebraskian* of August 7, 1863, rejoices that that season was one of great crops all round, including winter and spring wheat. Corn averaged from 80 to 100 bushels an acre. The faithful chroniclers of the early press show us that there were occasional crop failures in those days on account of drouth, just as in these later years. For example, the *Advertiser* of July 12, 1860, notes that, owing to drouth the early part of the season, the straw of wheat was short, but the head and grain were full, large, and plump. The same paper notes that "owing to the extensive drouth the present season crops will fall very short of what they would have been ordinarily. Wheat fair, sod corn and potatoes a failure, corn well worked, fair." The *News* of August 7, 1867, states that there were

fine crops of wheat and oats in that county that year—over 10,000 acres of wheat with an average of 26 bushels an acre.

At the time of the organization of the territory there was undoubtedly a general impression that those parts west of a distance of forty or fifty miles from the Missouri river were not fit for successful cultivation, and there was a great deal of skepticism as to whether trees or useful crops would grow successfully on the uplands even within the narrow strip in question.

But the *Huntsman's Echo* of April 25, 1861, overcomes the presumption and prophecy of the wiseacres by the results of actual experience when it says of the Wood river valley that, "corn, wheat, oats, rye, barley, potatoes, and all sorts of vegetables and roots grow to perfection. For melons and other vines the fruit is almost spontaneous; we never saw so sweet grown." The timber consisted of cottonwood, elm, ash, hackberry, box-elder, and oak; and eighteen miles below there was a sawmill, lumber being \$30 per thousand feet. There was a "one horse" grist mill at Wood River Center. The vast emigration going up the valley at that time demanded far more of the products of the region than the supply, and corn brought from \$1.25 to \$2.50 per bushel; flour, \$5 to \$7 per hundred; potatoes, \$2 per bushel; butter, 25 cents a pound, and eggs 25 cents a dozen. "We have growing apples, peaches, English gooseberries, currants, raspberries and strawberries set out last year. They stood the winter well and look fine." In wild fruits there was abundance of the finest of plums, grapes, gooseberries, black currants, choke-cherries, and sand-cherries. In every issue during the two summers of the life of the *Echo* the far-seeing editor prophesied as to the future agricultural greatness of the Wood river valley.

The hope, courage, and foresight of the leaders of the little band of venturesome pioneers soon began to make themselves felt, and we find Governor Black in his optimistic "promotion" message of 1859 urging settlers to plant trees. The alert George Francis Train emphasizes the duty of tree planting in the *Omaha Herald*, and in the fall of 1867 the

Nebraska City News and the *Omaha Herald* give a great deal of attention to this important topic. The *Nebraska Advertiser*, while under the editorial guidance of R. W. Furnas, kept the subject of fruit tree and shrubbery planting constantly before its readers. The editor of the *Herald* was so thoroughly alive to the importance of tree planting as to abruptly set aside his anti-paternalism principles and prejudices while he urged the people to petition Governor Saunders to call an extra session of the legislature "to lend encouragement to some well digested plan." The editor had reasons for thinking that the general government might undertake systematic tree planting in the western states. The auspicious beginning in the Nebraska sand-hills justifies, though somewhat tardily, the wish, the thought, and the guessing of the *Herald* of nearly forty years ago. Citizens of Nebraska of the present day need not be told of the industry and eloquence with which J. Sterling Morton, who was to win national fame in later years as the author of *Arbor Day*, and Dr. George L. Miller, through the columns of the *Omaha Herald*, of which he was editor, and by his own vigorous example, championed and promoted the cause of tree planting in Nebraska. To these prominent pioneers, as well as many not so well known, the present commonwealth owes an incalculable debt for wonderful results of their courageous faith and foresight in beauty and in more material good.

There was about the same degree of apprehension felt by the early pioneers in regard to the invasion of grasshoppers as to the recurrence of drouth. The grasshopper scourge, while always menacing and much of the time destructive, up to the early '70s, yet proved to be a temporary incident of the wildness and uncultivated condition of the Plains. In 1857 the *Advertiser* complains that "grasshoppers have been mowing the prairie farms for some time." The *Huntsman's Echo* "regrets to learn that clouds of grasshoppers migrating south have for several days been doing considerable damage at some of the ranches above." The *Omaha Republican* of June 16, 1865, notes the presence of myriads of young grasshoppers in the northern counties making

sad havoc with the crops. "That region has suffered from this scourge several times before, and if the ravages this year are as great as they were last it is enough to depopulate the country." In 1866 the Plattsmouth *Herald* states that grasshoppers are making sad havoc of vegetation in Salt Creek and Weeping Water regions. The Nebraska City *News* says: "From almost every quarter of the country we hear complaints of the ravages of grasshoppers. Fields of corn, wheat, oats, etc., are being swept away in a single day. The gardens in the city have suffered terribly from their onslaught." By July 1st the *News*



GRASSHOPPER SCENE, PLATTSMOUTH, NEBRASKA, 1874

breaks out in rejoicing because, "Northward the grasshoppers take their course. Not one remains to tell the ravages done by them. The chickens since their departure are dying of starvation. They refuse to eat anything but fresh grasshoppers." The same paper advises settlers to let the grass on the prairies remain until spring and then burn it and 40,000 millions of young grasshoppers.

Prospecting for coal was carried on in the South Platte section in 1867 with a good deal of hope if not enthusiasm. The Omaha *Herald* of March 22d congratulates J. Sterling Morton on his pluck and perseverance in solv-

ing the coal question. "A considerable vein is already producing coal of as pure and unadulterated a quality as Pennsylvania ever placed upon the markets of the world." The Home Coal Mining Company of Nebraska City, at this time had a shaft down 100 feet on Mr. Morton's farm, and the *News* of March 27th says, "Doubters may sneer, but the result will show that pluck, faith, and works are always rewarded with success." Unfortunately these optimistic coal miners were counting more upon a very vulnerable, though venerable maxim than upon scientific data. The basis of the *Herald's* hopes were "several large blocks" of this coal "brought from Morton's mines." The qualities which failed of success in the quest for coal, however, achieved it on the same ground by adaptation to nature's intention and provision. The *News* of October 28, 1867, notes that the editor, J. Sterling Morton, raised that year fifty bushels of apples on 300 trees. As early as September 19, 1861, the *Advertiser* pins its faith to peaches: "They have done well in this section of Nebraska the present season. There need no longer be any doubt as to fruit of almost all kinds being raised successfully. This is the first season that peach trees have borne to any extent, but this year they have 'literally broke down' where they have grown on the uplands. The highest and most exposed positions hereabouts have produced the most abundant crops." It was nearly forty years later that experiments in peach raising in southern Nebraska were carried on with sufficient thoroughness to justify the faith of Mr. Furnas, the editor of the *Advertiser*.

The production of salt was the object of more faith, hope, and enthusiasm than that of coal, and proved equally illusive; though in the earlier days, before means of transportation had been established, the salt springs near the site of the present city of Lincoln were of great practical benefit. They attracted the attention and supplied the wants of the earliest settlers, and as late as 1867 probably had more influence in establishing the capital of the state in their neighborhood than any other legitimate consideration. We find merchants of Nebraska City advertising in the *News* of

April 21, 1860, that they had for sale "the best and finest article of table salt, gathered from the banks of Salt creek, forty miles directly west of this city. Nature is the only evaporator used in the manufacture of this salt." The *News* of April 28th relates that a sample of some thirty bushels of the very neatest and best of table salt had been brought for its inspection, and it had been "scraped up from the banks of Salt creek with a shovel. The probability is that the salt, as well as gold, silver, and coal mines of Nebraska are inexhaustible." The *News* of May 25, 1861, notes that a train of three wagons passed through Nebraska City to engage in the manufacture of salt at the springs fifty miles west. The same paper says that, "A gentleman the other day brought in from Salt creek 1800 pounds of as fine salt as we have ever seen. It met with ready sale. There is a mine of wealth out there." The *News* of September 14, 1861, reports that there are "four salt basins of a thousand acres each — except one small one — filled with small springs that during the night ooze out their briny waters and cover the plateaus with a thick scum of salt. They ebb and flow like the tides of the ocean, during the night time covering the entire surface to the extent of thousands of acres and to a depth of several inches. By nine o'clock of an ordinarily dry day, with sunshine, the waters have sunk away, or rather evaporated, leaving a crust of salt. There are at present ten furnaces." The *Advertiser* reports that a number of persons from Nemaha county and Atchison county, Missouri, had been out to the salt springs in Saline and Lancaster counties manufacturing salt for winter use. "They all returned with their wagons filled with the very best quality of salt. The salt manufactured at these springs is precisely the same as we get in small sacks called table salt. Hereafter there will be but little salt brought up the river for this region of the country." The *News* of June 28, 1862, in a description of Salt creek valley, says that along this valley and near some of its tributaries the saline deposits and springs are found, the first of them in township 8, and thence to township 12 they are of frequent occurrence. The more

southerly are not of very great value. In township 10 of ranges 6 and 7 are found the great springs, the water of which is of sufficient strength and supply to make the manufacture profitable. The *News* of June 7, 1862, notes that the surveyor general of Kansas and Nebraska "is about to visit and reëxamine the saline lands lying west of this city in Calhoun county."

By virtue of the act of Congress of March 2, 1867, in that year Prof. F. V. Hayden made a geological survey of the state, and in his report to the secretary of the interior he stated that there was a great salt basin near the town of Lancaster, covering 400 acres, another of 200 acres between Oak creek and Salt creek and a third of like extent, called Kenosha basin, on the Little Salt, besides numerous small basins on Middle creek. The largest spring was on Salt creek, from which four gallons of salt water a minute flowed in a single stream out of sand rock. "From June to November, 1866, two companies were operating in these basins, producing in that time about sixty thousand pounds of salt."

The *News* of March 20, 1867, quotes the prediction of the *Omaha Herald* that, "What the Saline springs have been to New York, the Lancaster salt springs are certain to be to Nebraska. . . . Salt can be manufactured by solar evaporation at Lancaster and laid down upon the Union Pacific road at a cost of not more than eight cents per bushel. It now brings in this market \$1.50 per bushel." The *Herald* of March 22, 1867, insists that, "The waters of Lancaster contain more of the great staple than the Syracuse water by actual measurement"; and it insists that they can be evaporated by the solar method at a cost of eight cents a bushel. A vexatious question arose as to whether these salt springs were saline lands under the law and so reserved from private sale. The report of the commissioner of the general land office for 1861 states that the notes of the deputy surveyor in 1857 show that there was a small establishment for boiling the water for salt making on section 22, township 10, in that year; and that he had "discovered valuable salt springs along the bed of the creek and in sections 22,

23, 34, and 37." The secretary of the interior had advised him that the delegate (presumably the delegate to Congress, Mr. Daily) had informed him that there was "good reason to believe that large quantities of saline lands have been reported as ordinary lands by fraudulent collusion between the surveyors and speculators." On the 12th of September, 1859, John W. Prey located military land warrants on 320 acres of these lands, which included the best of the springs, in sections 21 and 22, township 10 north of range 6 east, and the certificates were issued by Andrew Hopkins, register of the land office at Nebraska City. Mr. Prey had obtained these warrants from J. S. Morton, who held them as agent for eastern owners. As they were worth their face for land entry but were below par in the market, there might be mutual advantage in this arrangement. Patents for these lands were sent to the land office, but before they were delivered the question whether the lands were open to private entry arose, and the patents were withheld by the order of the commissioner of the general land office. In the following November Prey made warranty deeds of an undivided third interest in these lands to Andrew Hopkins, Charles A. Manners, and J. Sterling Morton, respectively, the consideration recited in each deed being \$166. The commissioner of the land office held that these lands were reserved as saline lands under the act of July 22, 1854. The enabling act of 1864 granted to the state of Nebraska, when it should be admitted into the Union, "all salt springs in said state not exceeding twelve in number, with six sections of land adjoining, to be selected by the governor within one year after the admission of the state." Governor Butler made a selection of most of the lands under this act in June, 1867. In his message to the legislature which convened January 7, 1869, Governor Butler made an enthusiastic statement of his belief in the great commercial value of the salt basin and said that for the purpose of promoting the early development of the salt industry he had leased one section of the salt lands claimed by the state to Anson C. Tichenor, who in turn assigned a half interest in the lease to the Nebraska Salt Com-

pany of Chicago; but this company was neglecting or refusing to develop the industry. On the 15th of February, 1869, the legislature declared this lease void, and on the same date a part of the reserve—the north half, and the north half of the south half of section 21, township 10—was leased by the governor to Anson C. Tichenor and Jesse T. Green for a term of twenty years. For the purpose of testing the legal rights of the purchasers of the lands under Prey's entry, as against the state and its lessees, on the 24th of December, 1870, J. Sterling Morton, with several assistants, including Edward P. Roggen, since well known as a politician and secretary of the state of Nebraska, took possession of a building upon the leased lands which had been erected by the lessees for their use while carrying on the work of salt production; but the premises were not occupied at this time. Thereupon, under the direction of James E. Philpott, attorney for the lessees, Morton and Roggen were arrested on the charge of stealing firewood which was piled up at the building they had appropriated to their use. The alleged trespassers were brought before John H. Ames, then justice of the peace, since then a commissioner of the supreme court of Nebraska, and Seth Robinson, attorney-general of the state, appeared to prosecute them. On Morton's agreement to desist from any further attempt to obtain possession of the disputed lands until the question of title should be legally settled, the criminal proceedings were stopped at this stage.

On the 7th of January, 1871, Mr. Morton began an action in the court of Lancaster county against the lessees to recover \$20,000 damages for malicious prosecution and false imprisonment, and the trial resulted in a verdict for the plaintiff for the sum of \$100, which was paid into court for his benefit. On the same day on which this suit was begun Messrs. Morton, Manners, and Hopkins brought suit in ejectment against the lessees. The case was tried in the district court of Lancaster county and was decided in favor of the defendants. On appeal to the supreme court Justices Lorenzo Crouse and George B. Lake affirmed the decision of the district court,

while Justice Oliver P. Mason dissented in a long and vigorous opinion, in which he held that the reservation act of 1854 did not apply to the lands in question. The plaintiffs then carried the case to the Supreme Court of the United States, where it was contested on their part by such eminent counsel as Jeremiah S. Black, Montgomery Blair, J. H. Hopkins, and Eleazer Wakeley; and by E. Rockwood Hoar for the defendants. Judge Wakeley had been Mr. Morton's attorney from the inception of the case. The Supreme Court also decided against the plaintiffs, Judge David Davis writing the opinion, in which he held that the lands in question had been reserved as saline lands by the act of Congress, and that the patents — or right to them — on which the plaintiffs relied for their title were void from the beginning. The opinion recites that, "It appears by the record that on the survey of the Nebraska country the salines in question were noted on the field books, but those notes were not transmitted to the register's general plats, and it is argued that the failure to do this gave a right of entry." But the court held that the language of the statute was sweeping. "The executive officers had no authority to issue a patent for the lands in controversy, because they were not subject to entry having been previously reserved." It appears that before Prey located these lands with his military warrants the President of the United States had offered them for sale, and there being no bidders they were thus, so far as this record appeared, left open to private filing or entry.

An article in the *Nebraska City News* of January 11, 1862 — A. F. Harvey editor of the paper at this time — throws light on the political contention which arose out of the filing on the lands:

The meddling propensities of Wm. H. Taylor, member of the legislature, candidate for congress, etc., have induced him to attempt to procure the cancellation of certain entries of land in Lancaster county, supposed to embrace the famous salt springs. The *Omaha Republican* approvingly pats William on the back for sticking his nose into what was none of his business, and points a finger, crying "fraud" at Hon. J. Sterling Morton, Gov. Black, Andrew Hopkins esq., and the late Gen. Cal-

houn, because they happen to be owners of portions of said lands.

As for the fraud in the entry of the said lands, neither E. B. Taylor, nor the immaculate Wm. H., can truthfully point to any. We have before stated, and repeat, at the time the surveys were ordered, the department had no information of the supposed existence of salt springs in Nebraska, and consequently the surveyors were not instructed. And, at the time the surveys were made the country was so flooded with water, that it was impossible to define any portion of it as saline lands, and the deputies could not carry out even the general instruction of the manual. The surveyor general, and the department of the interior never had, and under the circumstances, could not have, any official knowledge of the existence of the saline lands. When, therefore, after the sales of 1859, the unsold lands became subject to private entry, these lands like others, were only known as common lands; and if Mr. John W. Prey knew the "numbers" of them, and having the means to pay for them, did buy them and "put money in his purse" by disposing of them afterwards, he did only what any other man was entitled to do; what Wm. H. Taylor might and would also have done had he been sharp enough.

The fact that certain distinguished democrats — Messrs. Morton, Black, and Hopkins — were the purchasers from Mr. Prey of the most valuable of the salt lands seems to be the only reason that Taylor has had, in attempting to procure the cancellation of the entries. Envy and jealousy are prominent characteristics of the gentleman, and he has taken the opportunity to display them in the most paltry form. But that he was blinded by these passions he could have let well enough alone, knowing as he certainly must, if he has a solitary particle of common sense that the springs in the hands of private individuals, who have been preparing to invest considerable capital in working them, would be vastly more productive and of much larger benefit to the territory than they can be, by any possible means, when under the direction of government agents. The whole cancelling affair is one outrageous humbug, got up, and carried on through spite, and the most infinitesimal meanness.

In pursuance of "an act to provide for the sale and leasing of the Saline lands and the development of the Saline interests of the state of Nebraska," passed by the legislature of 1885, a contract was made with M. C. Bullock of Chicago, December 22d of that year,

for sinking a well to the depth of 2,000 feet for a consideration of \$10,125. The plant was set by April 7, 1886, and actual work was begun on the 3d of May and continued to the last of August, 1887. At a depth of 600 feet flowing water was reached, as in the Calm and Evans well. "This water is some different from that obtained at the government square. Both flows were found in limestone, the one at the square at 560 feet." The work under the first contract ceased at 2,008 feet. "No brine of sufficient strength to warrant the manufacture of salt" having been found, a supplementary contract was made to go down 400 feet further. The work stopped at a depth of 2,463 feet, "without finding any brine or indications of salt." The strongest brine was found in a stratum of sand and gravel between depths of 195 feet and 205 feet, and it tested thirty-five degrees. It was the opinion of B. P. Russell, the geologist in charge of the work, that the salt springs upon the basin were caused by the gradual rising of this water to the surface. At 205 feet the first hard rock was found, and the use of the diamond drill began. A pipe or casing, nine inches in diameter, was sunk in the first forty-nine feet of the boring, and then a seven-inch pipe was inserted in this and sunk below it down to the hard rock at 205 feet. From this point to a depth of 365 feet a bit cutting a core four inches in diameter was used; then a bit cutting a two-inch core was substituted and used to a depth of 1,025 feet, where a soft stratum compelled the reaming of this smaller section and the sinking of a four-inch casing through the soft material until hard rock was again reached at 1,113 feet. The artesian stratum of water at 600 feet was a weak brine of twelve to fourteen degrees, another flowing stratum at 828 feet tested from twenty degrees to twenty-two degrees.

The geologist in charge was loth to give up the boring; for while it had "resulted in no discoveries of economic importance," yet deep boring would give us the only information of the lower formations of the state. Negative results of the experiment were of no small importance, for "we know now that there is nothing thus far to warrant the ex-

penditure of money by the state for the development of these salt springs."

The geologist, however, considered it a question of freight charges whether it would pay to manufacture salt from this brine of thirty-five degrees; it would pay if a price of \$1.50 a barrel could be guaranteed. In Michigan it was not profitable to work brine weaker than ninety-five degrees, and there the slabs and other refuse of the sawmills furnished fuel for boiling without cost.

While this one-time famous salt basin yielded no important benefits to mankind, it unfortunately influenced the commissioners to unwisely plant the capital city in a semi-basin in its uncomely and otherwise injurious contiguity, from which, year by year, it instinctively shrinks toward the sightliness, salubrity, and unsalted water supply of the adjacent but originally slighted slopes.

Corn and cattle, which in later years have come to be the imperial products of Nebraska, were here in prehistoric times, but the original bovine lords of the plains — the vast herds of buffalos — have been succeeded by their finely bred cousins with which the farms and ranches, into which the plains have been transformed, are now stocked. Buffalos were very numerous up to the time of the advent of the Union Pacific railway.

In 1835 Parker found them numerous about the forks of the Platte, but in greater number along the north fork. East of the forks he saw very few. Parkman in his trip up the Platte in 1846 complains that his party had been "four days on the Platte and no buffalo." Captain Bonneville in 1832 found many at the crossing of the Platte; but at Chimney Rock on the north fork Irving tells us that "as far as the eye could reach the country seemed actually blackened by innumerable herds." No language, he says, could convey an adequate idea of the vast living mass thus presented to the eye. He remarked that the cows and bulls generally congregated in separate herds. In 1846 Bryant found them numerous above the forks of the Platte. "We saw large herds during our march, some of which approached us so nearly that there was danger of their mingling with our loose cattle." This traveler

remarks that hunting these animals is exciting sport, their speed and endurance being such that it requires a good horse to overtake them or break them down in a fair race, and the skill and practice of a good hunter to place the ball in fatal parts. He had known a buffalo to be perforated with twenty balls and yet be able to maintain a distance between himself and his pursuer. "Experienced hunters aim to shoot them in the lungs or the spine. From the skull the ball rebounds, flattened as from a rock or a surface of iron and has usually no other effect on the animal than to increase his speed. A wound in the spine brings them to the ground instantly, and after a wound in the

found buffalos in large numbers above the confluence of the forks of the Platte, and at one time, "it would be no exaggeration to say that at least ten thousand here burst on our sight in an instant." Major Long also found these animals in vast numbers, on his return trip, in the neighborhood of the great bend on the Arkansas. In the upper Platte country he observes that, "We have frequently remarked broad, shallow excavations in the soil of the diameter of from five to eight feet, and greatest depth from six to eighteen inches. These are of rare occurrence near the Missouri as far as Engineer Cantonment and in other districts where the bison is seldom seen



Photo by A. E. Sheldon, November, 1903.

BUFFALO BULL, TWO YEARS OLD, AND SHORTHORN YEARLING

BUFFALO CALVES, SIX MONTHS OLD

From the Deer Park of John W. Gilbert, near Friend, Nebraska

lungs their career is soon suspended from difficulty of breathing. They usually sink, rather than fall, upon their knees and haunches, and in that position remain until they are dead, rarely rolling upon their backs." Mr. Bryant remarks that the flesh of the bull is coarse, dry, and tough, but that from a young fat heifer or cow — and many of them were very fat — "is superior to our best beef." "The choice pieces of a fat cow are a strip of flesh along each side of the spine from the shoulders to the rump; the tender-loin; the liver; the heart; the tongue; the hump-ribs; and an intestinal vessel or organ, commonly called by hunters the 'marrow-gut' which anatomically speaking, is the chylo-poetic duct."

Major Long, on his expedition in 1819, also

at the present day." He observes that these "wallows" become more and more numerous as he goes west, "offering a considerable impediment to the traveler who winds his way amongst them, and are entirely destitute of grass, being covered with a deep dust." Major Long was convinced from observation that these wallows were made by the bulls dusting themselves by means of their fore feet, and that they also served as places for rolling and wallowing. Stansbury also found large herds of buffalos west of the forks of the Platte. Kelly found these animals in immense numbers in the same region. They were so numerous that he was driven to confess that the stories he had heard about them in this respect had not been exaggerated.

In 1851 Father De Smet found that "the whole space between the Missouri and the Yellowstone was covered [with buffalos] as far as the eye could reach." He observed that a young Indian lured the cows within easy gun-shot by imitating the cries of a calf, and he called back the simple creatures to their death at pleasure by repeating these cries after he had killed part of them. After leaving the valley of the Platte, "a very sensible change is perceptible in the productions of the soil; instead of the former robust and vigorous vegetation the plains are overgrown with a short, crisp grass; however it is very nourishing and eagerly sought by the herds of buffalo and countless wild animals that graze on them."

It is notable that but few antelopes were found on the Nebraska plains by these earlier travelers.

The *Omaha Republican*—August 8, 1860—notes that several hunters had just returned from Kearney bringing with them sixteen buffalo calves which they had captured in that vicinity. At this time there were plenty of buffalos to be found between Plum Creek and Lone Tree Station, twenty miles below Fort Kearney. A great many were shot by travelers every day for mere sport, and the stench from the dead bodies was intolerable.

The editor of the *Huntsman's Echo* not only gives us many facts illustrative of the kingship of the buffalo in central Nebraska, just before the influx of white settlers which followed the building of the principal railroads, but he dresses up his information in a quaint style and tells his story with a charming naïvete. On the 26th of July, 1860, he tells us that, "A few miles above, on the Platte and Wood rivers, there are numerous herds. Across the river it is said, they are coming over from the Republican in innumerable multitudes, and many, famishing for food or water—whilst making for the Platte for a drink, are frightened back by emigrants and travelers, yet make immediate efforts to gain the water, but are again driven back by the report of fire-arms; and, we are told, many thus perish before they reach the water."

On the 6th of September of the same year, this defiant note resounds from the *Echo*:

Buffalo are again continually coming about our farm, ranch and office, bothering us by eating our vegetables, cropping the grass, bel-lowing and kicking up a dust generally; and not being able to stand it longer we sent the Loys, and Doc F. out to drive them away; this resulted in prostrating the carcasses of two, and as dogs and wolves are scarce we have had to breakfast, dine and sup from their flesh since our return. We shan't try to stand it, and give timely notice that the *echo* of fire arms will be a common thing in this neck of woods, unless these fearfully frightful looking creatures desist from peaking into our office, and dis-composing our printer.

In another item of the same issue it is stated that "at Kearney it seems, they almost come into the town. The driver of the 'express' from Denver, . . . was compelled to bring his team to a walking pace near Kearney because of the buffalo thronging the road." All through the growing season, evidently, the buffalo was the paramount issue. On the 27th of September the editor continues the story: "Our garden of late has not been molested by these burly creatures, and well they have kept their distance for we have had our gun greased and borrowed our neighbor's dog. There are still great numbers of them across the river, and we intend going over in a few days 'to make our winter's meat.'"

Our editor was a clever punster and profusely illustrated his fanciful game stories by resorting to that artful trick. On the same date he tells us of the abundance of other game in this phrase:

Last week, upon two occasions, from our office, we witnessed the playful pranks of several antelope, and again a sprightly red fox came up near the enclosure, but cut and run when Towzer came in sight; a nice race they had and both made time but reynard the best. A week ago three large white wolves hove in sight, and played around on the prairie at a safe distance—the same chaps, probably, that made a tender meal from a good-sized calf of ours that had been running out. The buffalo have taken our caution and for two weeks have not troubled us, or annoyed our printer, putting a "*period*" to the sports of the "*chase*" in this "*section*" which has no "*parallel*" for game, giving our "*shooting-stick*" a little rest and saving our "*lead*" and "*caps*" for the next "*case*."

CHAPTER XIX

TERRITORIAL PRESS

THE territorial press was strongly characterized by ability and virility. The manifestation of the latter quality often degenerated into excessive roughness and sometimes even boorishness, but this extravagance was a natural result of the lack of restraint by the more refined public opinion, which is wanting in new and unorganized societies. In the year following the organization of the territory, J. Sterling Morton began to impress his strong personality and remarkably aggressive temperament upon the *News* of Nebraska City, and during a period of about forty years that journal bore the marks of his incisive style, though he was either actual or nominal editor during only a part of that time. In 1865 Dr. George L. Miller began to play a no less conspicuous part in the journalism of the territory through the columns of the *Omaha Herald*, of which he was editor for twenty-two years. Less conspicuous but yet remarkable for ability and aggressive individuality were Edward D. Webster, Edward B. Taylor, John Taffe, and Saint A. D. Balcombe, who were from time to time editors of the *Omaha Republican* from 1859 on beyond the territorial period. Robert W. Furnas, editor of the *Nebraska Advertiser* at Brownville from 1856 to 1861, was an industrious purveyor of territorial news, and next to the *Nebraska City News*, the *Advertiser* exercised the greatest political influence of any newspaper in the South Platte section. Orsannus H. Irish exerted a large measure of leadership in the republican party through his intermittent connection with the *People's Press* of Nebraska City from 1858 to 1866. Milton W. Reynolds and Augustus F. Harvey ably edited the *Nebraska City News* during a period of about four years each under the territorial govern-

ment, and Bird B. Chapman, John H. Sherman, Theodore H. Robertson, Merrill H. Clark, and Milton W. Reynolds successively made the *Omaha Nebraskian* one of the most aggressive and wide-awake journals of the territorial times.

The *Nebraska Palladium* was the first newspaper published for Nebraska, as also the first



JOSEPH E. JOHNSON
First Omaha editor, *Arrow*, 1854

published in Nebraska. Its first edition was printed at St. Mary, Iowa, nearly opposite Bellevue, on Saturday, July 15, 1854, though the name "Bellevue" appeared in the date line and it was published as a Nebraska paper. The issue of November 15, 1854, was printed at

Bellevue and its publication was continued at that place until its suspension with the issue of April 11, 1855. During its entire career the name of Daniel E. Reed & Co. appeared as editors and publishers. Thomas Morton set the first type for the *Palladium* printed at Bellevue, and therefore the first type ever set for a newspaper or any other purpose in Nebraska. The first column, second page, of the first number printed in Nebraska contained a full account of that very interesting incident.

The next item in the paper is an excuse for delay in the issue that week, which was owing to the removal from St. Mary, and the editor announces that on this account he will skip the next week's issue. While the date on the title page is November 15th, that at the head of the editorial column is Saturday, November 18th, which is probably the day when the paper was actually printed. Another item announces the arrival at Bellevue, on the 13th of November, of "J. S. Morton, assistant editor of the *Detroit Free Press*, and lady."

It is supposed that the *Palladium* was named after the well-known journal of Worcester, Mass. The editor, Mr. Reed, was employed in the office of the Worcester *Palladium* as printer's devil; and in the third item of the first issue of the Nebraska namesake, in a plea to the governor to speedily appoint a Thanksgiving day, he says: "We were born and educated in New England, and we love our institutions, among which, is that of appointing an annual THANKSGIVING DAY." Mr. Reed came to Bellevue to teach in the school of the Indian agency. He seems to have been possessed by the New England or Puritan temperament and conservatism to such a degree as to prevent his adaptation to his new western frontier environment and its society of hustlers. He preached excellent moral precepts in season and out of season, but, considering the character of the field he was cultivating, he overworked them. Notwithstanding that during the five months of the *Palladium's* existence the editor recorded in it many facts and ideas directly appertaining to the beginning of Nebraska, yet it is to be regretted that his somewhat excessive and morbid moralizing doubtless displaced many

a precious item of information which would otherwise have been preserved. Bellevue's loss of the capital, which blasted the hopes of the ambitious and promising first town of the commonwealth, discouraged the publishers of the first paper and overstrained the moral confidence, and apparently broke the heart as well as the purse of the introspective editor. In the issue of April 11, 1855, he makes the following announcement:

We have against our own desire, and that of many ardent friends, made up our mind to suspend the issue of the PALLADIUM until a sufficient amount of *town pride springs up in Bellevue* to pay the expense of its publication. The expenses of issuing a paper are such that a large amount of advertising patronage is required for its support; and as there has not been, and is not now, sufficient inducements of this kind, we shall wait until there is, or until some others are held forth. We hope that time will soon appear. We have been assured by members of the Territorial Council, that it was the design to give us the printing of one journal of that body, and that it would have done it, had we not have advocated the local politics and sectional interests of this place, with as much warmth as we felt it our duty to do in behalf of the capitalists and politicians of this place. The PEOPLE, too, had the rights of enfranchisement to be contended for. We breasted the surging billows of political strife in behalf of these, and they have done what they could to sustain us, and they have our thanks.

The Bellevue Association has given us twenty-four bundles of printing paper for which we have sacrificed pecuniary interests far more valuable to us — and which they are either unable, or unwilling to make good. This company now oppose us, because we refuse to descend low enough in their service to oppose other interests in this place, as valuable and as righteous as their own. When they make good what we have lost in their behalf, it will be time enough to ask us to do more.

We are in hopes to be able to re-issue the PALLADIUM in due time, under better auspices than it has hitherto been. In the *interim* we intend to make the necessary preparation for this purpose.

But that more convenient season, when the journalistic conscientiousness so much affected by our editor should have chance for play, never came. The editor's successors long since learned that journalism is primarily a

private enterprise, like any other commercial business, and primarily governed or enchained by commercial ethics.

The second newspaper published for, though not in, Nebraska was the *Omaha Arrow*. The first number of this paper was dated July 28, 1854, and Joseph E. Johnson and John W. Pattison were its editors and proprietors. Between this time and December 29, 1854, the date of the last number, the *Arrow* was issued somewhat irregularly thirteen times, and all the issues were published at Council Bluffs. This Johnson was certainly the most versatile and ubiquitous, and probably the most unique figure in the history of Nebraska journalism. He was a Mormon and probably settled at Kanessville—now Council Bluffs—for that reason in 1852, where he bought the *Bugle* of A. W. Babbitt, who established it in 1850. The *Arrow* was printed in the office of the *Bugle*.

The bubbling poesy of the salutatory all but drowns its practical purpose.

Well, strangers, friends, patrons, and the good people generally, wherever in the wide world your lot may be cast, and in whatever clime this *Arrow* may reach you, here we are upon Nebraska soil, seated upon the stump of an acient oak, which serves for an editorial chair, and the top of our badly abused beaver for a table, we purpose editing a leader for the OMAHA ARROW. An elevated tableland surrounds us; the majestic Missouri just off on our left goes sweeping its muddy course adown toward the Mexican Gulf, whilst the background of the pleasing picture is filled up with Iowa's loveliest, richest scenery. Away upon our left spreading far away in the distance lies one of the loveliest sections of Nebraska. Yon rich, rolling, wide spread and beautiful prairie dotted with timber looks lovely enough just now, as heaven's free sunlight touches off in beauty the lights and shades to be literally entitled the Eden land of the world, and inspire us with flights of fancy upon this antiquated beaver, but it won't pay. There sticks our axe in the trunk of an old oak whose branches have for years been fanned by the breezes that constantly sweeps from over the oftentimes flower dotted prairie lea, and from which we purpose making a log for our cabin and claim.

Yonder comes two stalwart sons of the forest bedecked in their native finery. They approach and stand before us in our "sanctum."

That dancing feather which adorns his head once decked the gaudy plumage of the mountain eagle. The shades of the rainbow appear on their faces. They extend the hand of friendship with the emphatic "cuggy how," (how are you friend) and knowing our business request us by signs and gesticulations to "write" in the *Arrow* to the great Father that the Omahas want what he has promised them, and they ask us also to write no bad about them. We promise compliance, whilst they watch the progress of our pencil back and forth over the paper. But let us proceed. What shall we say. But little.



ORSAMUS H. IRISH

Omaha Indian agent and prominent Nebraska citizen of early days

The ARROW'S target will be the general interest and welfare of this highly favored, new and beautiful Territory upon which we have now for the first established a regular weekly paper. Our caste is decidedly "Young American" in spirit and politics. We are in favor of anything that runs by steam or electricity, and the unflinching advocates of the "sovereigns of the soil."

The pioneering squatter and the uncivilized red man are our constituents and neighbors. The wolves and deers our traveling companions, and the wild birds and prairie winds our musicians—more highly appreciated than all the carefully prepared concerts of earth. Surrounded by associations, circumstances, and scenes like these, what do you expect from us,

anxious reader? Don't be disappointed if you do not always get that which is intelligible and polished from our pens, (we mean those of the East and South, the pioneers understand our dialect.) Take therefore what you get with a kindly heart and no grumbling. In the support of the national Democratic party, the advocacy of the Pacific R. R. up the only feasible route—the Platte Valley—the progress of Nebraska, and the interests of the people amongst whom we live, always count the ARROW flying, hitting and cutting.

We'll shoulder our axe and bid you adieu until next week.

The article in the next column entitled "A Night in our Sanctum" is worth quoting as an example of the fertile fancy and imagination of the first Omaha editor.

The *Arrow's* valedictory illustrates both the vicissitudes of early territorial journalism and the characteristic quaintness of the editor's style:

GOOD MORNING

Well friends, it has been some time since we last met, but here we are again.

Providence, and THE BAD STATE OF NAVIGATION OF THE MISSOURI RIVER has played smash with our calculations and we have not been able to "come up to time" in the issue of the arrow, but expect before long to make it permanent at Omaha, or piece [place] it in hands that will do you justice and honor to themselves. In the meantime we send you the "Bugle" in its place which contains every thing of stirring interest in Nebraska.—Each subscriber will receive his just and true number of papers and in the end, will lose nothing.

We are sorry for this unavoidable state of things. We had press and material purchased but on the account of the exorbitant rates of freight were detained below.

John W. Pattison, who afterward became prominent in Nebraska journalism and politics, was associated with Mr. Johnson in the editorship of the *Arrow*. He was a bright young man, and probably as an inference from that fact many old settlers of that time believe that the articles of striking originality which appeared in the *Arrow* were from his pen. But added to the testimony of others we have evidence in the pages of the *Huntsman's Echo*, which Mr. Johnson published at Wood River Center, in 1860, that he was the author of the

articles in question. The style of writing in the *Echo* is unmistakably the same as that of the peculiar articles in the *Arrow*. The ready imagination, the lively sensibility to the salient features of the writer's environment, the happy conceits and the quaint simplicity of style which are illustrated in the effusions of this untutored product of the plains would be remarkable as specialties in the most pretentious periodical of today. Even the workaday incidents of his bucolic life, which he enjoyed with a relish as if he and his rural world were designed especially for each other, he pictured in his naïve fancy. This is the way he records the coming of the very materialistic telegraph line:

WHOOOP! HURRA!

The poles—wire—the telegraph—the lightning! The first are up, the second stretched, the third playing upon the line between St. Jo. and Omaha; and the people of Omaha are exulting in the enjoyment of direct communication with the balance of the earth, and the rest of mankind. Dispatches from everywhere generally, and any place in particular, may be had by calling at the office.

The poles are already planted nearly half way to this place, and in two weeks it is expected that all the poles will be up as far as Kearney, seventeen miles above here, and the laying of the wire soon commenced. And soon—

Thoughts that breathe and words that burn, will glide along the wires with lightning rapidity.

Yesterday Messrs. Kountze and Porter called upon us whilst on their trip providing for the distribution of the balance of the poles along the route. Come on with your forked lightning! Strike for the Great Western ocean, the land of gold and glittering stones and ore.

The prosy slaughter of a prosier buffalo strikes his poetic vein:

FATAL CASUALTY

It will be recollected, that in our last, we gave out certain cautions, and warnings, against a large class of intruders upon personal property—viz: the tresspassing of herds of buffalo upon our town site, and arable lands. Unfortunately for the party concerned, no heed was given to our ominous warnings, and the result has been, the fall of another aboriginal bovine—that fell a victim of

curiosity. Walking leisurely to a point near our office he seemed to sniff an idea — perhaps a good one — or perhaps he took one peep for the skeleton of one of his kine, and thus in a reflective, designing or calculating mood he stopped, and from under his long shaggy lashes gazed toward us — stamped *our* ground, pawed up dust and earth, and then, after snuffing the breeze towered his head in a threatening mood; we could not stand it longer, but started Sam, who intercepted his progress before he had done much damage to our garden, and banging away—

The well-aimed lead pursues the certain sight;
And Death in thunder overtook his flight.

The flesh being secured, our t'other half, little ones, self and the balance, have been regaling upon roast, broil, fry and stew, ever since.

This master of a delightfully natural style was, contrary to the old maxim, jack of all trades. In advertisements in the *Emigrant's Guide*, published at Kanessville, December 15, 1852, the versatile editor appears as "general outfitting commission merchant"; as keeper of "Council Bluffs Mansion"; as carrying on "wagonmaking and blacksmithing"; as keeper of a "cabinet shop"; and of a "bakery, confectionery and eating saloon." In the same paper he joins two others in certifying as an expert that the north route to California up the Platte river is best. When he became tired of Wood River Center, Mr. Johnson followed the tide of his Mormon brethren to Salt Lake City.

While the *Palladium* and the *Arrow* were shortlived, the *News* of Nebraska City, though it was subsequently started, is the oldest paper in Nebraska at the present time, and was the first that had any considerable length of life. It was first printed in Sidney, Iowa, in the fall of 1854, though with the name *Nebraska News*, and Dr. Henry Bradford was its first editor. It was moved to Nebraska City, November 14, 1854, and occupied the second story of the blockhouse of old Fort Kearney, which was built in 1846. The 12th of the following April J. Sterling Morton was employed at a salary of \$50 per month as editor by its proprietors, the Nebraska City Town Site Company, and Thomas Morton became foreman or head of the mechanical depart-

ment. Soon after he became the owner, and he continued as part or sole owner and publisher until his death, August 10, 1887. J. Sterling Morton was editor from April 12, 1855, to April 13, 1856; R. Lee Barrowman from April 13 to August 15, 1856, and then Morton again to August 26, 1857; then Milton W. Reynolds to October 19, 1861; then Augustus F. Harvey to August 25, 1865; then Morton to and through 1868. R. Lee Barrowman became a part owner with Thomas Morton and was editor for a short time.

By virtue of its location in the largest town in the territory and the ability and political prominence and activity of J. Sterling Morton, its editor, the *News* was the leading journal of the territory until the *Herald* and *Republican* outstripped it when Omaha, through the stimulus of the Union Pacific railroad, became the business metropolis. Its name was changed from the *Nebraska News* to the *Nebraska City News*, May 15, 1858.

In the great fire of May 12, 1860, the *News* office was totally destroyed, and the Mortons bought of Jacob Dawson the printing plant of the *Wyoming Telescope*, and also the material of a large printing office at Otoe City, eight miles south of Nebraska City, on the Missouri river.

The *Nebraska City News*, now in its sixty-third year, is published by the News Publishing Company, with Charles M. Hubner as editor, E. D. Marnell associate and city editor, and Otoe C. Morton, son of the late Thomas Morton, business manager.

The *People's Press* was started as a weekly November 25, 1858, by C. W. Sherfey. Within a few weeks the office was sold to Orsamus H. Irish and L. L. Survey, but the latter retired soon after and Mr. Irish continued as editor and proprietor, while the publishers were Irish and Matthias. January 2, 1860, this partnership was dissolved, Colonel Irish continuing the publication, which was made a semi-weekly and so continued until May following when Mr. Matthias became editor. May 12, 1860, the *Press* office was destroyed in the big fire, and the paper was issued temporarily from the office of the

Wyoming *Telescope*. Colonel Irish then bought a press from Dr. G. C. Monell of Omaha, and took it to Nebraska City. This press was afterward taken to Lincoln, and on it was printed the first number of the *Commonwealth*.

In June, 1860, Colonel Irish sold the paper to Alfred Matthias and Joseph E. La Master, and in 1861 William H. H. Waters and Royal Buck bought it. Under the management of Buck and Waters the name was changed to *Press and Herald*. Mr. Buck withdrew in 1862, and *Herald* was dropped from the name. January 31, 1860, the *Press* was changed to a semi-weekly, and the office boasted a power press with a capacity of 800 to 1,000 impressions an hour. In 1863 the publication of the *Daily Press* was begun, but it was a financial failure, and soon a semi-weekly was issued instead. During the winter of 1864-1865 Dwight J. McCann and others bought the plant and organized the Press Printing Company. In 1865 William H. Miller took charge of the paper as editor and publisher for the company, and conducted it until October, 1866, when it again passed into the hands of Colonel Irish. In the winter of 1866-1867 the name was changed to *Nebraska City Press*. In August, 1868, Colonel Irish sold an interest to S. B. Price and William H. Miller, and in the November following Colonel Irish withdrew, and Thomas McCullough became a partner, under the name of Price, Miller & Co. In June, 1869, McCullough withdrew, followed by Price in October. Mr. Miller continued the paper until the summer of 1870, when it was temporarily suspended, for financial reasons. In the spring of 1872 its publication was resumed by John Roberts and John Reed. The latter failed in business in 1873, and Roberts sold his interest to William A. Brown, who had bought the *Chronicle* from W. H. H. Waters on May 1, 1872. Mr. Brown consolidated both papers in 1874 under the name of *Press and Chronicle*. Later the paper was again changed to the *Press*, and the publisher, William A. Brown, was soon succeeded by William A. Brown & Sons, and the firm became Brown Bros. April 1, 1881. The *Chronicle* had been established by W. H. H.

Waters as a morning daily in 1868, and after a spirited contest with three other dailies was left the sole occupant of the field in 1870. The material used in the publication of the *Chronicle* was sold to James Thorne and by him taken to Laramie, Wyoming, where it was disposed of in 1876.

The Wyoming (Otoe county) *Telescope* was established by Jacob Dawson in October, 1856. Later, S. N. Jackson became associated with him, and the firm continued as Dawson & Jackson until the latter's withdrawal, July 30, 1859. In his valedictory Mr. Jackson says: "No time, since the first settlement of this Territory, have the different presses had more trouble to keep up than for the last year, as may be seen from the fact that out of fourteen different papers in the territory, only seven are now in existence, and we doubt if many pay their way. Of these there are two north of the Platte, and five south." Later H. A. Houston appears as publisher of the *Telescope*, with Jacob Dawson, editor. The entire equipment of the *Telescope* office was sold to the *Nebraska City News* in the summer of 1860.

In April, 1861, Dr. Fred. Renner, a pioneer republican and an abolitionist, began the publication of the *Nebraska Deutsche Zeitung*, "in the interest of the threatened Union cause, and for the promotion of immigration." In 1867 the name was changed to *Staats Zeitung*. In November, 1868, Mr. John A. Henzel became part owner, the style of the firm being Henzel & Renner, with Dr. Renner as editor. In 1871 Mr. Henzel withdrew, and Dr. Renner removed a part of the office to Lincoln, where he published the *Staats Zeitung* for two years. In 1873 he returned to Nebraska City with his printing material and resumed the publication of the *Zeitung*, which he continued until 1876. The *Zeitung* had a large circulation, at least 100 copies going to Germany, and it is largely due to its influence that so large a number of substantial Germans settled in southeastern Nebraska. In July, 1879, W. A. Brown & Sons of the *Daily Press* commenced the publication of another German paper which they called the *Staats Zeitung*, and two years later sold the office to Young

& Beutler. While Charles Young has been employed in the government printing office at Washington for a number of years, Mr. Jacob Beutler, assisted by his brother Christian, is still conducting the publication at Nebraska City as an "independent" in politics.

In the year of 1859 O. G. Nickerson of New York started a small paper in Otoe City, now Minersville, bringing the material from New York. This paper was called the *Spirit of the West*. It only continued a few weeks, when the material was sold to the *News* and removed to Nebraska City.

The first number of the Omaha *Nebraskian*, the democratic organ of the capital city and the first newspaper actually published there, was issued January 17, 1855. Bird B. Chapman, the second delegate to Congress from the territory, was the principal founder and brought the printing material used in its publication from Ohio. The *Nebraska Palladium* of January 17, 1855, states that the *Nebraskian* is to be started that day by "the partially defunct combination established in Ohio some months since to govern Nebraska and take her spoils," meaning Bird B. Chapman, the second delegate to Congress from the territory, and his political coterie. John H. Sherman, J. B. Strickland, and A. W. Babbitt were all connected with the *Nebraskian*, August 29, 1855. John H. Sherman was the first editor of the *Nebraskian* and was succeeded by G. W. Hepburn, May 21, 1856, who was followed by Theodore H. Robertson in 1857. Merrill H. Clark and Milton W. Reynolds were editors from 1859 to 1863, and Alfred H. Jackson from that time until June 15, 1865, when the paper was discontinued and the *Herald* took its place as the democratic organ. The *Nebraskian* was first published as a daily in September, 1860, but suspended two months later after "a pecuniary loss to ourselves of two hundred dollars."

The *Nebraska News* of April 9, 1859, notes the recent consolidation of the *Nebraskian* and the *Times* on the 29th of March of that year under the management of Messrs. Clark & Robertson. Mr. Merrill H. Clark "is a young gentleman just from northern Michigan, of considerable means." Robertson sold his en-

tire interest in the paper in February, 1861, to Mr. Clark. The *Nebraskian* of December 18, 1863, contains a statement that Merrill H. Clark and Milton W. Reynolds have sold out the daily and weekly to Alfred H. Jackson of Dakota City, and that Mr. Clark had been connected with the paper for five years and Mr. Reynolds had been in the newspaper business in Nebraska for six years. After Mr. Jackson assumed control of the *Nebraskian* it became negative and halting. In one issue two literally heavy editorials were printed side by side, one under the ponderous caption, "The Rebellion — shall it be suppressed?" and the other headed, "The negro — What is to be his destiny?" The editorial leader of February 26, 1864, about the necessity of restoring the Union under the constitution, occupied five columns in minion type. This, doubtless, had an important connection with the final suspension of the paper the following October.

The first number of the Omaha City *Times* was issued June 11, 1857, by William W. Wyman. A few months later the word "City" was dropped from the name. About six months after the *Times* was started George W. Hepburn became editor and proprietor and James Stewart associate editor, but this arrangement lasted only a few months, when Mr. Wyman again became its publisher. September 9, 1858, John W. Pattison and William W. Wyman editors. Mr. Pattison was one of the editors of the *Arrow*, the first Omaha paper. The *Times* was established to oppose the political faction led by Bird B. Chapman, but his defeat by Judge Fenner Ferguson as a candidate for the office of delegate to Congress in 1857 and the subsequent bitter but unsuccessful contest for the seat by Mr. Chapman in the House of Representatives undermined his political footing in the territory, and in 1859 the *Times* and the *Nebraskian*, Mr. Chapman's former organ, were consolidated. While the *Times* was not wanting in ability, it lacked the aggressiveness but also the scurrility of its principal contemporaries, and its columns were usually distinguished by dignity and decorum.

A month before he began to publish the *Times*, Mr. Wyman had been removed from

the office of postmaster at Omaha by the Chapman influence, and Theodore H. Robertson, editor of the *Nebraskian*, was appointed in his place; but early in July Mr. Wyman was reinstated. Though he specifically stated in the initial number of the *Times* that its politics was to be democratic and of the Buchanan brand, yet this statement was no doubt partly perfunctory and strategic; and no doubt, like many other democrats of that time, his sympathy already leaned away from the strong pro-slavery attitude of the Buchanan faction of the Democratic party, and this inclination soon led him, with countless other democrats, across the republican line. And so in this postoffice controversy the discomfited editor of the *Nebraskian* attacked Mr. Wyman as a "black republican in whose veins not a single drop of democratic blood ever coursed, and whose whole life has been devoted to the service of our enemies." That the delegate to Congress was not able to control the appointment of the postmaster of his home city to the extent of displacing an alleged party recreant makes the weakness of his own influence so prominent as to obscure the charge against the incumbent which, if true, should have been quite sufficient in that heyday of the spoils system.

The daily *Telegraph* was established at Omaha by Major Henry Z. Curtis. Its first appearance was on the morning of December 11, 1860, from the office of the *Nebraskian*. Major Curtis was both publisher and editor, but associated with him was W. H. Kinsman as assistant. The *Telegraph* was first published as a single page paper of eight columns, largely devoted to advertising. It was later increased in size to a folio, and on November 9th published the first telegraphic news given to the public in Nebraska territory. Although a circulation of 500 copies was claimed, the paper did not pay, and was reduced in size June 11, 1861, and August 10th following, Major Curtis disposed of the paper to Merrill H. Clark of the *Nebraskian*. The type on this paper was set by the late Charles S. Goodrich and Charles W. Sherman, the latter now a resident of Dairy, Oregon.

Republican party sentiment became appre-

ciable in Nebraska in 1858, and in that year the first steps were taken toward formal party organization, and a party organ was established for the first time in the two leading towns — Nebraska City and Omaha.

The *Nebraska Republican* was first issued May 5, 1858, as a weekly by Edward F. Schneider and Harrison J. Brown. It was published on Thursdays, and was distinctively republican in politics. It was bought by Dr. Gilbert C. Monell during the same year, and he sold it to Edward D. Webster who assumed control August 15, 1859, and changed the name to the *Omaha Republican*. Webster was a protégé of Thurlow Weed, and a politician of considerable ability. He subsequently became secretary to William H. Seward, secretary of state. September 26, 1861, Mr. Webster sold the paper to Edward B. Taylor, then register of the land office at Omaha, and his brother-in-law, Ezekiel A. McClure, both of whom had come from Ohio. Soon after the paper was reduced in size to a folio of twenty columns, and published tri-weekly; in May, 1863, it was enlarged one column to the page, and after Thursday, January 7, 1864, was published daily, except Monday. The tri-weekly was discontinued January 28, 1864, and the issue limited to a regular daily and weekly. October 13, 1865, Edward B. Taylor and John Taffe, as editors, gave way to General Harry H. Heath, who supported the policy of President Andrew Johnson. The firm name of the publishers was changed from Taylor & McClure to Heath, Taylor & Company, which continued until February, 1866, when Heath retired, and the name of the paper was changed to *Omaha Daily Republican*. April 13, 1866, Major St. A. D. Balcombe bought a half interest in the *Republican* and became business manager. The new firm name was Taylor, McClure & Balcombe. In July, 1866, the style of the firm was again changed to Balcombe & Company, and the issue of July 20, 1866, announced that Mr. Taylor had sold his interest to St. A. D. Balcombe, who thenceforth was editor, publisher, and sole proprietor. From April 9, 1867, the *Republican* was issued as a morning paper. In May, 1869, Edward B. Taylor became associate editor, and

remained practically in charge of the editorial department until he was succeeded by John Teasdale, July 10, 1870. January 21, 1871, Major Balcombe sold a half interest in the *Republican* to Waldo M. Potter, who succeeded Teasdale as editor-in-chief. Teasdale had won his spurs as editor of the *Ohio State Journal* in 1843, and had established the *Iowa State Register* at Des Moines in 1858. He was elected state printer of Iowa and was postmaster at Des Moines. In 1871 the *Republican* and the *Tribune*, which had been established a year before on account of the senatorial contest between Thayer and Saunders "and succeeded in killing them both," were consolidated under the name of *Tribune and Republican*. Mr. Potter was succeeded as editor by Charles B. Thomas, formerly editor of the *Tribune*, while Balcombe became business manager, this arrangement taking effect June 11, 1871. In January, 1873, *Tribune* was dropped from the name. John Taffe succeeded Mr. Thomas as editor in July, 1873, and was followed by George W. Frost, who later gave place to Chauncey Wiltse. In May, 1875, a stock company was organized, which took over the *Republican*, and St. A. D. Balcombe was succeeded, August 18th, by Ben H. Barrows who had served as consul to Dublin. Casper E. Yost became business manager, Isaac W. Miner secretary, and September 28th of that year John Taffe became editor. He was succeeded May 18, 1876, by D. C. Brooks as managing editor, with Alfred Sorenson as city editor, assisted by Frederick Nye. In 1881 the paper was bought by Yost and Nye, who in turn sold their interest in the fall of 1886 to Sterling P. Rounds, Sr., late public printer at Washington, and Cadet Taylor for a consideration of \$105,000. Rounds and Taylor organized a stock company, with S. P. Rounds, president, Cadet Taylor, treasurer, and O. H. Rothacker as editor. December 15, 1888, Mr. Yost was appointed as receiver of the business in the interests of the stockholders. Early in 1889 Frederick Nye and Frank B. Johnson obtained control of the *Republican*, and the following October it was sold to Major Jeremiah C. Wilcox, of the *Evening Dispatch*, the job department being

retained by Nye & Johnson. But Mr. Wilcox saw and acknowledged that the culmination of the struggle for the survival of the fittest was at hand, and he suspended publication of the daily *Republican*, July 29, 1890, but continued to publish the weekly until the growing strength of the *Bee* during the latter years of the life of the *Republican* clearly indicated that one or the other of these journals must succumb, as there was not room for two organs of the same party in their field. They naturally became differentiated, the *Republican* following in the old course of the thick-and-thin party organ and corporation apologist, while the shrewder manager of the *Bee* saw and assiduously cultivated the now far more promising independent and anti-corporation field. While there were able men, of whom Mr. Yost was conspicuous, among the changing managers of the *Republican* in its declining years, yet the *Bee* had the great advantage of a continuous manager of remarkable tenacity of purpose and journalistic ability in the person of its founder, Edward Rosewater. The first home of the *Republican* was on the third floor of the Pioneer block, where it remained until its removal into a brick building on the corner of Thirteenth and Douglas streets in the latter part of November, 1876, the building being the same one which had been the home of the *Herald* in its early years. February 18, 1867, the *Republican* announced that it had that day connected its caloric engine with its presses — "the first and only office in Nebraska where presses were run other than by hand." This acquisition was for some time the subject of very frequent self-felicitation by the *Republican* and of just as frequent sarcastic gibes by the unappreciative and irreverent *Herald*.

In the latter part of 1858 Hadley D. Johnson began the publication of the *Nebraska Democrat* at Omaha, but he discontinued it after a short time.

The *Florence Courier* was first issued in December, 1856. James C. Mitchell, notorious as capital commissioner of the first territorial legislature, was publisher and L. H. Lathrop editor. John M. Mentzer was for a time editor of the *Courier*. Recognizing that

Florence had lost all chances of becoming the capital of the territory, the *Courier* switched its hope to the favorable crossing at that place for the coming railroads, and its optimistic motto was: "We would rather be in the right place on 'Rock Bottom' than have the capital of the territory." But Florence, like Bellevue, was to learn in the dear school of experience that under the new railway dispensation capitals and crossings were to be made by men, with little regard for the preparation of Mother Nature. Florence still has her rock bottom, but Omaha, without that firm foundation, has the great railroad crossing, and by a like manipulation the capital was carried to an unprepared and most unlikely spot in the interior wilderness. Another paper known as *Rock Bottom* is said to have been published at Florence as early as 1854 by W. C. Jones. It was printed at Council Bluffs, Iowa.

The *Nebraska Daily Statesman* first appeared at Omaha, Sunday morning, July 17, 1864, as a democratic paper, W. H. Jones and Henry L. Harvey publishers; but only a few numbers were ever issued. The professed object of the publishers was threefold: First, "the procuring of bread and butter for their wives and babies, the ultimate provision for a . . . daily and financial independence"; second, "to furnish the people with an expositor of democratic truth"; third, "to sustain the Union, the constitution and the laws."

An effort was made by the Harvey brothers to revive the *Statesman* at Nebraska City in the spring of 1866, but it proved but little more successful than the former attempt at Omaha.

The *Republican* of August 7, 1867, notes that "Augustus F. Harvey will soon begin the publication of the *Nebraska Statesman*, the good-will of which has been purchased. It will sustain the action of the administration."

The *Statesman* was revived at Lincoln the first week of July, 1868, with Augustus F. Harvey as editor and Henry L. Harvey as publisher. During the Civil war Mr. Harvey had been characterized by his new party companions as a consummate copperhead; but the war was over, and in the business of moving the capital and surveying and manipulating its new site, in which Mr. Harvey took an active

part, party animosities were easily forgotten in the common cause of prospective profit. Still, the partnership could not be lasting, and its incongruity foretold the short life of the *Statesman*. In January, 1870, Augustus F. Harvey went to St. Louis to engage in the life insurance business, which he followed at that place until his death. In the early part of March, 1871, the *Statesman* was published as a daily, its primary object being to oppose the impeachment of Governor Butler. About June 1, 1873, it was merged into the *State Register*, with N. W. Smails as editor.

The *Omaha Daily Herald* was established by Dr. George L. Miller and Daniel W. Carpenter, under the firm name of Miller & Carpenter, and its first issue was dated October 2, 1865. The *Herald* was at first a six-column folio, and was published in a building at the corner of Thirteenth and Douglas streets. It started out with only fifty-three actual subscribers, and the office was equipped with a small hand press and a few cases of type. Lyman Richardson and John S. Briggs succeeded Miller & Carpenter as proprietors August 5, 1868, but Dr. Miller still continued as editor; and February 11, 1869, he bought the interest of Mr. Briggs, the style of the firm being changed to Miller & Richardson, which continued until March, 1888. One of the last editors of the old *Herald* was Frank Morrissey, a native of Iowa of Irish descent, who died in Omaha a few years ago. He had been associate editor and became editor when the paper was sold to John A. McShane in 1888. He was succeeded by Edward L. Merritt as editor, and it was published for one year by McShane, and then passed into the control of R. A. Craig. In March, 1889, the *Herald* was bought by Gilbert M. Hitchcock, who, associated with Frank J. Burkley, Alfred Millard, William F. Gurley, and W. V. Rooker, began the publication of the *Evening World* in August, 1885. Mr. Hitchcock was editor-in-chief, Mr. Burkley business manager, and Mr. Rooker managing editor. After the consolidation of the *Evening World* and the *Herald* under the name of the *World-Herald*, Mr. Hitchcock continued as editor and principal owner, with Mr. Burkley as busi-

ness manager. Mr. Hitchcock is still (1917) owner and editor of the *World-Herald*, which ever since the consolidation has been the leading democratic paper of Nebraska.

The first number of the Nebraska *Advertiser* was issued at Brownville June 7, 1856, and, though Dr. John McPherson of that place furnished the press and other printing material, the paper was published by Robert W. Furnas. Dr. McPherson had come to Brownville in the fall of 1855, and with the purpose of establishing a newspaper there he removed the material from Tippecanoe, Ohio. Robert W. Furnas, editor, and John L. Colhapp and Chester S. Langdon, printers, arrived at Brownville with the outfit April 9, 1856. An item in the first number of the paper complains that its issue had been delayed by the detention of a part of the press "an unreasonable length of time between Cincinnati and this point." Dr. McPherson sold to Robert W. Furnas a half interest in the proposed paper for Brownville townsite lots on condition that Mr. Furnas should publish it weekly at least one year, and soon after Dr. McPherson gave the other half interest in the *Advertiser* to Mr. Furnas, stipulating that it should be non-partisan and independent. This stipulation was carried out with as much consistency as is usually observed by professedly independent journals, that is, it afforded the editor a better opportunity to regard personal and local interests than if it had been restrained by the bonds of party loyalty. For example, in 1860, while the democratic party was dominant in the country, the *Advertiser* could warmly advocate the nomination of Douglas, its great western leader, for president, and at the same time support Daily, the republican candidate for delegate to Congress. By virtue of its democratic environment the *Advertiser* was democratic until the democratic party went to pieces and Abraham Lincoln was nominated for president, in 1860, when it became a republican organ and remained so for several years. October 29, 1857, Chester S. Langdon, "who has been foreman of our office since its commencement," became associated with Mr. Furnas in the publication of the *Advertiser* for the reason that the attention which the

latter had given "to both the mechanical and editorial departments" had overtaxed his time and talents. This partnership was dissolved April 30, 1858, Mr. Furnas becoming again sole publisher and editor. L. E. Lyanna was a co-publisher with Mr. Furnas from November 24, 1859, to November 28, 1861, when the *Advertiser* and the *Union*, which had been started at Aspinwall by Dr. Andrew S. Holladay and John H. Mann, in May, 1861, were consolidated and Thomas R. Fisher added to the partnership of Furnas & Lyanna. May 8, 1862, Mr. Fisher formed a partnership with T. C. Hacker, and they became publishers of the *Advertiser*, Furnas & Fisher remaining owners. Fisher was now editor in place of Furnas, who was in the federal army. This arrangement continued until December 6, 1862, when Mr. Fisher became sole publisher and editor, and July 16, 1863, the names of Furnas & Fisher as proprietors were dropped from the paper. In the fall of 1863 John L. Colhapp became co-publisher and co-editor with Fisher, and they were succeeded by William H. Miller, September 8, 1864. December 22, 1864, George W. Hill & Company became publishers and John L. Colhapp editor. July 18, 1867, Robert V. Muir became a member of the firm, but Mr. Colhapp continued to be editor. November 17 of the same year Jarvis S. Church bought the interest of Hill and Muir, and the firm name of the publishers became Church & Colhapp. January 23, 1868, T. C. Hacker became junior partner in the firm and business manager. January 6, 1870, the original publisher, Robert W. Furnas, bought out Church, and the firm became Furnas, Colhapp & Company, Mr. Furnas being editor. January 5, 1871, Church and Hacker became the publishers, Mr. Furnas retiring from the paper, and in July of the same year Church sold his interest to Major Caffrey, and the firm became Caffrey & Hacker. January 22, 1874, Major Caffrey sold out to George W. Fairbrother, and the firm of Fairbrother & Hacker continued until December, 1881, when Fairbrother became sole proprietor. In March, 1882, the material was removed to Calvert, now Auburn, where the paper continued to be published by G. W. Fairbrother & Company.

During the campaign of 1870 the *Advertiser* was published daily for a few months.

The Nebraska *Advertiser*, which is still published at Nemaha, Nemaha county, having passed the half century mark, is said to be the oldest continuous publication in Nebraska, an honor which would belong to the Nebraska City *News* but for a slight break in 1870 when the *News*, for a time, lost its identity in the *Times*. The *News*, however, has been published in one place, while the *Advertiser* has had a migratory existence, but always within Nemaha county. The present publisher and editor is W. W. Sanders.

The Nemaha Valley *Journal* was first issued at Nemaha City in the last week of November, 1857, by Seymour Belden as editor and publisher. It was democratic in politics. It was removed from Nemaha City to Brownville in 1859, but did not long survive. The material was purchased by the publishers of the *Advertiser*, and the office again removed to Nemaha City. Another attempt to publish the Nemaha Valley *Journal* was made in Brownville by Hill and Blackburn in 1867, but at the end of four months the material was removed to Falls City. In April, 1869, W. S. Blackburn sold a half interest in the *Journal* to W. S. Stretch, who became the sole owner the following fall. In March, 1870, E. E. Cunningham purchased an interest in the paper and became its editor until the spring of 1871. In June, 1872, the *Journal* was sold to Weaver and Fulton, but a month later Mr. Stretch resumed control, and in September, 1874, it was sold to Rich and Hamlin, and was consolidated with the *Globe* in 1875.

The Aspinwall *Journal*, of which Dr. Andrew S. Holladay and John H. Maun were publishers, was removed to Brownville in 1861, and its publication continued for a few months under the name of the *Journal*, when the establishment passed into the hands of the publishers of the *Advertiser*, and the material was sold and taken to Illinois.

In September, 1860, a four-column daily paper entitled the *Bulletin* was issued from the *Advertiser* office, but proving unprofitable it was suspended in January, 1861.

In 1857 Chester S. Langdon and Goff com-

menced the publication of the daily *Snort*, which was short-lived.

The first agricultural journal in Nebraska was issued as the Nebraska *Farmer*, by Robert W. Furnas, in January, 1860, and it was published about three years.

Governor Furnas discontinued the Nebraska *Farmer* after 1861, or at least published it only intermittently after that date, and finally disposed of the publication to J. C. McBride of Lincoln, who in turn sold it to O. M. Druse. In 1886 Harvey E. Heath purchased the entire plant and soon after changed it to a semi-monthly, and in 1888 to a weekly. In 1898 the Nebraska *Farmer* was moved to Omaha and consolidated with the *Western Stockman and Cultivator*. H. F. McIntosh was made editor with a one-third interest in the paper. In 1902 the Nebraska Farmer Co. was incorporated with a capital stock of \$30,000 fully paid up. About this time George W. Hervey became associate editor, and the following year editor-in-chief, continuing in this position until July 31, 1905.

George W. Fairbrother and Theodore C. Hacker began the publication of the Nebraska *Herald* at Nemaha City, November 24, 1859, with the former as editor, later assisted by Reuel Noyes. It was a republican paper, and was continued about two years, and called itself "the only republican paper in Nemaha county."

In May, 1861, the *Union* was started at Aspinwall by Dr. Andrew S. Holladay and John H. Maun, but the office was removed to Brownville after the first issue, and the paper was absorbed by the *Advertiser*.

In 1857 Martin Stowell, who had been sent to Kansas as an agent of the free state party, went to Peru, Nebraska, and started a small monthly paper. The paper was printed abroad and had no local circulation or support. No copies of it have been found of late years, and its name even has been forgotten.

The Peru *Times* was published by the same man in 1860, as a campaign paper, but nothing further is known of it.

A few years later an effort was made to publish at Peru a monthly known as the *Or-*

chardist, in the interest of horticulturists and fruit growers, but only a few numbers were issued. In 1866 a campaign paper, printed in Brownville with a Peru date line, was issued for two months, but no regular newspaper succeeded in establishing a permanent home in Peru during the territorial period.

The first paper in Richardson county, the *Rulo Western Guide*, was owned by the Rulo Town and Ferry Company, and edited by Abel D. Kirk and F. M. Barrett. It first appeared in May, 1858, and exactly one year later was purchased by Kirk and Chas. A. Hergesheimer. The latter had served as a "devil" on the paper from the date of its first issue. It was suspended about the beginning of the Civil war, but was resurrected in 1864, as the *Nebraska Register*, and continued until 1869, when it was sold to H. A. Buell, who disposed of it to Samuel Brooks. He continued it for two years, then removed it to Salem, where it was soon after discontinued.

The *Broad Axe* of Falls City, owned by Major J. Edward Burbank and edited by Sewall R. Jamison, made its first appearance in November, 1858. This was the successor of a paper of the same name which had been published at Richmond, Indiana, three years before, by the same men. Its motto was "Hew to the line, let the chips fall where they may" — "There is a divinity which shapes our ends, rough hew them as we will." Jamison was succeeded in November, 1860, by J. D. Irwin of Ohio, and in the summer of 1861 Mr. Burbank retired. The *Broad Axe* passed into the hands of a firm known as L. B. Prouty & Company, and was by them sold to J. J. Marvin, who changed the name to *Southern Nebraskian*. The *Broad Axe* was resurrected in July, 1862, by the Falls City Broad Axe Company. The paper was next bought by the town lot company of Arago, and published by N. O. Pierce. About this time the plant was used by Mr. Saxe in issuing a paper printed in both German and English. Among other publishers following in rapid succession were C. L. Mather, G. A. Hill, E. L. Martin, Metz & Sanderson, and H. A. Buell. Metz & Sanderson bought the English type of the town

lot company in 1871. This material was sold to F. M. Barrett, who removed it to Falls City, where it was used in publishing the *Times*. After a brief existence this paper was sold to Scott & Webster, who finally sold their material to Ed. W. Howe, of the *Little Globe*.

The *Little Globe* was established in 1873 by Ed. W. Howe, now publisher of the *Atchison (Kansas) Globe*. The following appeared in the prospectus: "Little, but O Lord! Prospectus of the Globe (the Little) a journal of the third class, to be published every Saturday, at Falls City, Neb. The Little Globe will be intensely local and as independent as a hog on ice. . . . We hope to bless this town." This announcement was signed "The meekest of men, Ed. W. Howe." After about a year the *Little Globe* was discontinued, but appeared again in August, 1875, with the same motto, and a short time later was consolidated with the *Nemaha Valley Journal* under the title of the *Globe Journal*.

The first paper in Plattsmouth, the *Plattsmouth Jeffersonian*, appeared early in 1857, published by L. D. Jeffries, assisted by J. D. Ingalls, to whom Jeffries later sold his interest. Turner M. Marquett was for a time its editor. The paper was soon discontinued.

In 1857 Charles W. Sherfey started the *Platte Valley Times* at Plattsmouth, bringing the press from Burlington, Iowa. This paper was published for a short time, and then sold to Alfred H. Townsend who removed it to Pacific City, Iowa. Sherfey went to Nebraska City, where he later established the *People's Press*. In the latter part of 1858 Alfred H. Townsend removed the material with which he had been publishing the *Platte Valley Times* at Pacific City, Iowa, to Plattsmouth, where he published it under the name of the *Platte Valley Herald* until March, 1862, when he removed the plant to Central City, Colorado.

The *Platte Valley Times* was established at Bellevue, August 1, 1862, by Charles N. Sturgress. The name of Henry T. Clarke appeared as editor. It was democratic in politics and known to have been published as late as October 27, 1864.

Elijah Giles established the Cass County

Sentinel at Rock Bluffs City at the end of October, 1857. It was removed to Plattsmouth in the spring of 1859, where Giles issued it for a few months, and then sold the plant to Joseph I. Early, who started the *Democratic Times*, which had a short life. The *Sentinel* was still being published as late as January, 1863.

In February, 1865, Hiram D. Hathaway issued the first number of the *Nebraska Herald* at Plattsmouth, which he published until March, 1872. He then became associated with the *Nebraska State Journal* at Lincoln, and sold the *Herald* to John A. McMurphy, who published it for several years as a republican paper. In 1871, under the management of Hathaway, the *Nebraska Herald* was issued as a daily.

The first number now to be found of the *DeSoto Pilot* bears date of July 11, 1857, vol. 1, no. 12. John E. Parish was then editor and proprietor, and by September 12th of the same year he had been succeeded by Zaremba Jackson.

The *Nebraska Pioneer* was published at Cuming City, and no. 25, vol. 1, appears under date of December 24, 1857, with Lewis M. Kline as editor and publisher.

The *Cuming City Star*, vol. 1, no. 14, appears June 19, 1858, with Albert W. Merrick, publisher, and H. Nell Maguire, editor.

The *Washington County Sun*, published at De Soto, was begun in 1858 by Potter C. Sullivan.

The *Nebraska Enquirer*, DeSoto, vol. 1, no. 5, under date of August 18, 1859, had for editors and proprietors Albert W. Merrick and R. Winegar. In September Mr. Winegar's name was dropped, and Merrick appeared as editor and proprietor until succeeded by Hugh McNeely, April 26, 1860. A. W. Merrick again assumed control of the paper in the spring of 1861.

The *Pioneer* and *Star* were published at Cuming City and the *Enquirer* and *Pilot* at De Soto. Both towns were in Washington county. The *Pioneer*, *Star*, and *Pilot* were democratic. The *Enquirer* supported the republican ticket. Mr. Kline, editor of the *Enquirer*, was also a lawyer and mayor of

Cuming City. Among the advertisements in the paper in 1857 were those of Thomas B. Cuming and John C. Turk, and of Root (Allen) & Cozad, lawyers and real estate agents at Omaha. It is stated in the issue of December 24, 1857, that thus far the winter had been very mild. There had been very little frost or snow and even the little creeks were not frozen. In the *Enquirer* in 1859 are advertisements of Thomas P. Kennard, lawyer at De Soto; Joseph W. Paddock, dealer in boots and shoes at Omaha; Abram Castetter, real estate and collection agent, De Soto; and W. N. Byers & Company announce that they will publish the weekly *Rocky Mountain News*, on or about the 1st of April, from some point in or near the mining (Pike's Peak) region. Advertisements of the leading magazines were commonly published in these frontier journals, and as neither the ten-cent monthlies nor any prototype of them had yet appeared, the taste for heavy reading was apparently more common then than now. The publishers of the *Atlantic Monthly* announce in the *Enquirer* that they "have commenced the publication of a new magazine," and they promise a list of contributors which could not be matched today, and, furthermore, in competition with our ten-cent competitors, would not be much read today: Prescott, Emerson, Bryant, Longfellow, Hawthorne, Whittier, Holmes, Lowell, Motley, Edwin R. Whipple, and Edmund Quincy!

Civilized settlement, and so substantial building, were in their childhood in Nebraska at this time, and the obtrusive newness of things must have been oppressive and discouraging to those of antiquarian humor. But Zaremba Jackson, editor of the *Pilot*, could read in the prostrate pillars of the yet uncompleted capitol suggestions of the Acropolis or the fragmentary architecture of the Nile. "The fixed gaze of the admiring beholder is only broken by a view of the fallen columns of the Capitol, whose scattered fragments and half-standing pedestals give it the appearance of some ancient ruins." The imposing ruins were soon after sold as scrap iron for the benefit of the territorial treasury by secretary J. Sterling Morton.

The *Nebraska Advertiser* of April 28, 1859, as a retort to assumptions of superiority by the *Nebraskian* and the *News*, boasts that "we have published it now near three years, during which time it has in no instance failed to appear regularly on publication day, and has issued a half sheet but once, and that on account of an accident. Can either of the two papers in Nebraska say as much? Not by a long way!"

The violence of the political partisanship of the leading territorial newspapers is amazing to those familiar with the usually urbane organs, merely tinted with partisanship, of the present day. The roughness of the pioneer papers was of course characteristic of their class everywhere and largely due to the lack of restraint which is natural and peculiar to frontier societies. But this quality was exaggerated in the journalism of Nebraska's territorial life by two distinct sectional controversies, one local, the other national, but coöperative in producing strife. The North Platte and South Platte strife began over the capital question at the political beginning of the territory and did not subside until the capital question subsided, just after the completion of the territorial period. The territorial life of Nebraska was also contemporaneous with the most intense period of the passions stirred up by the differences which led immediately to the Civil war, which were further excited by the war itself, and which, in part by their own unspent force, but largely by selfish partisan design, were kept alive and preserved after its close. . . . The rancor of these territorial journalists, then, is explicable, but their unbridled exhibition of it is surprising by the test of discretion or expediency, regardless of the perhaps less appropriate standard of good manners or even good morals. This stricture is especially applicable to the violent anti-administration if not positively pro-southern tone of the democratic press for several years before the Civil war, during its progress, and after its close. Such a policy would obviously serve to weaken and attenuate the party as it no doubt actually did.

But these verbal aggressions of the demo-

cratic leaders were more than matched by violent action on the other side. Dr. Geo. L. Miller's campaign for delegate to Congress in 1864, against P. W. Hitchcock, the republican candidate, was a round of mob violence in the South Platte section. There was a deliberate attempt to break up his meeting at Nebraska City when he criticized the negro policy of the administration; and the click of pistols was an audible response to J. Sterling Morton's insistence that the speaker should be heard. At Salem Dr. Miller slept at the home of Dr. Brooke under a guard of shot-guns, and this experience was repeated at other places in those southern counties. He was practically mobbed at Brownville, and it was impossible for him to gain a hearing. He was warned not to go to Pawnee City as his life would be in danger; and when he arrived there he was refused admission to the hotel. Many of his friends were threatened with personal violence and destruction of their property if they should vote for him. Jealous opposition of the leaders of his own party in Douglas county aided in making this campaign one of extraordinary strenuousness, even for a frontier country, and put the candidates' staying qualities to the severest test.

The council of the first and second assemblies refused to appropriate money to supply the members with the territorial newspapers, but the federal government appropriated \$150 for supplying territorial newspapers to each of the forty-eight members and the two chief clerks of the fifth assembly. The following resolution was adopted by the lower house of the first territorial legislature, January 18, 1855: "Resolved, that a copy of every newspaper published in the territory of Nebraska be furnished to each member of this House weekly during the session." February 15th following, J. W. Richardson of Dodge county introduced the following: "Resolved, that the chief clerk of this House be instructed to inform the editors of the 'Chronotype' and 'Palladium' that no more copies of their papers will be allowed members of this House at the Public expense, on account of the fact that they have given false reports of the proceedings of this House, and have villified mem-

bers of this House and the present chief executive of this territory." The resolution was laid over under the rules, but was taken up the same day on motion of A. J. Poppleton, and was adopted, ayes 15, nays 4. Hascall C. Purple then introduced the following: "Resolved, by the House of Representatives of Nebraska, that the 'Nebraska City News' be excluded from this House." William D. Hail of Nebraska City moved to amend by inserting the "Nebraskaian," after which both the original

motion and the amendment went to the table by a vote of 11 to 9. The house of the third assembly supplied each of its members with five copies of the papers of the territory. Perhaps because they felt that they had little to spare, these early legislatures were particular in preventing and resenting attacks on their good name; but the sixth legislature had made some progress toward the present conception and practice of free criticism of legislative bodies.

CHAPTER XX

SLAVERY IN NEBRASKA

THE complete contrast between the attitude of the first territorial legislature and that of the seventh toward the negro question indicates the rapid growth of anti-slavery sentiment in the Northwest after the discussion and passage of the Kansas-Nebraska act. As we have seen a bill "prohibiting the settlement of free negroes and mulattoes in the territory of Nebraska" passed the lower house of the first legislature and was favored by four of the eleven councilmen who voted on the question of its passage. At the third session a bill for the same purpose was introduced in the house by Mr. Singleton, representing Pawnee and Richardson counties, but it was indefinitely postponed. A similar bill was also introduced in the council, and it was laid on the table, Bradford and Reeves of Otoe and McDonald of Pawnee county voting against the motion. The nearer to the negro slave state of Missouri these lawmakers dwelt the farther away they wanted to keep the negro. At the sixth session Mr. Houston Nuckolls of Richardson county introduced a bill of the same purport in the house, but on motion of Hanscom it was loaded with an amendment prohibiting slavery, and the enacting clause was stricken out.

Mr. T. M. Marquett of the committee made a report which reflects the conservative opinion of many anti-slavery men at that time on the slavery question:

In opposing the passage of this bill, the undersigned does not wish to be understood as desiring to have negroes or mulattoes among us. It is not desirable to have them here, either as freemen or slaves. It never was intended that we should live with them. He who created us and them, allotted different portions of this earth's surface to each. They are among us, however, by no voluntary immi-

gration, by no act of their own, but by a violation of nature's law, which, as it made them a different race, also gave them a different place on the earth to live. . . .

The undersigned admits that it is a great evil to have negroes or mulattoes among us. . . . Gentlemen cannot be in earnest in passing a bill which subjects a colored person to fine and imprisonment merely because they are so unfortunate as to be a negro, and on Nebraska soil. To pass this bill would be to pander to the vitiated prejudices of those whose highest and holiest ambition is to perpetuate slavery, hence they have commenced the persecution of a few negroes for the sole purpose of driving them into bondage. We see, here, when a proposition is made to make the soil of Nebraska free, it is followed by one to persecute the few negroes that may be so unfortunate as to be here. It is our policy to steer clear of the negro worshiper, the negro enslaver, and the negro persecutor. There is another and a better way to get rid of this evil; one more in accordance with the impulses of this enlightened age; and that is to colonize them to Africa, or some other southern clime, to extend to them the hand of philanthropy rather than that of tyranny.

Therefore, the undersigned would recommend that this bill and the whole subject matter be referred to the committee on federal relations, with instructions to inquire into the expediency of memorializing congress to adopt some plan by which all the free negroes in the United States, and more especially those of our own territory may be colonized in Africa or some other southern clime.

By 1858 northern anti-slavery sentiment, which had been precipitated by the repeal of the Missouri Compromise in the Nebraska act, was crystallizing into form. The politicians, perceiving the opportunities of the new party, were quick to use every advantage for the promotion of its fortunes. Democrats of Nebraska, especially, would be estopped by con-

sistency from objection to the application of the popular sovereignty rule to the Nebraska case. And so Samuel G. Daily laid the foundation for his political career by introducing in the house, at the fifth session, a bill to abolish slavery, which was referred to a special committee. The majority of the committee — Daily, James Stewart of Douglas, and John Taffe of Dakota — made a report whose adroitness was equal to, and whose effect was perhaps enhanced by its buncombe:

Your committee, to whom was referred a bill for the abolition of slavery in this territory, having had the same under consideration, beg leave to make the following majority report:

The abolition and prohibition of slavery in this territory is so clearly in accordance with the spirit of the age, and the wants of a progressive and enlightened and free people, that your committee deem it time wasted to stop to prove it to a highly civilized and christianized people; were we living in the dark ages of the world's history — in a semi-civilized state, instead of the latter half of the nineteenth century — such a work might not be unnecessary.

And that the legislature of this territory has the power legally to enact such a law, we have only to refer to the ever living principles of all free and republican governments, to-wit: That the people rule, acknowledging no superior dictator, making their own laws in their own way. And in no case, in all our glorious history, do we find this grand principle more fully recognized, or more clearly expressed than in our organic act, where it is declared that it is not the "intention of this act to legislate slavery into any territory or state, or to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

And it is upon this doctrine — that the people are the fountain of all power — that your committee plant themselves, wholly disavowing the doctrines contained in President Buchanan's message, that this territory is as much a slave territory as South Carolina or Georgia.

The report was well met by the democratic minority, Benjamin P. Rankin of Sarpy and William C. Fleming of Richardson:

The minority of the select committee to whom was referred the bill for an act to abol-

ish slavery in the territory of Nebraska, have had the same under careful consideration, and respectfully ask leave to submit the following report:

Your committee deeply regret the introduction into this House of a bill of this character, and greatly fear that it was done at the prompting of political ambition, rather than through a sincere desire to advance the useful and legitimate legislation so loudly called for by the wants and necessities of our people. It is unfortunate for our history as a territory that the halls of legislation have at times witnessed scenes of strife and angry controversy. Sectionalism in territorial matters has hitherto distracted our people and done much to embitter our social relations, and to destroy those feelings of brotherhood which should ever exist amongst the pioneers of a new country whose peculiar duty it is to help one another in molding and directing the destinies of a young empire, which we trust will be our pride and the glorious heritage of our children.

The duties of a laborious and protracted session were about drawing to a close, and congratulations were general amongst the members that the records of one term at least of the Nebraska legislature would not be stained with the foot-prints of strife. We were felicitating ourselves upon the passage of criminal and civil codes, a revenue law, and other laws of a general nature which the public wants demanded. But a few days of the session still remained, and upon their labors hung the fate of the school law, a homestead law, and a license law, which were second to none in their importance and in their effect upon the well being of society. It is to be deplored that there was a single member in this hall who would not rather consecrate his efforts to the passage of these laws rather than to the introduction of a measure which can have no practical effect other than to sow dissension and discord amongst our people.

Slavery does not exist in this territory in any practical form, and cannot so exist without affirmative legislation, recognizing the right of property in slaves, and regulating the mode of protecting and controlling them, and of enforcing that right. The abstract right under the constitution which is claimed by some, is in fact only an inchoate right, which can have no practical importance in the absence of local police regulations upon the subject. In the absence then of any such legislation upon the subject — in the absence of any effort on the part of any member of either branch of the legislature to introduce legislation for the protection of slavery the minority

of your committee deem it not only unnecessary but extremely unwise and unpatriotic, in the present state of the public mind, to hurl this fire-brand of strife into our peaceful territory. The page of blood which Kansas has furnished to the history of the world should have been a warning to the fell hand which has attempted to strike such a blow at our peace and quiet.

The minority of your committee would therefore recommend the indefinite postponement of the bill. Let the pages of our journals be ever free from an allusion to the subject, and Nebraska will grow old in her career of glory, and the word slavery, either for negative or positive purposes, will never disgrace the fair pages of our statute book.

All of which is most respectfully submitted,
 B. P. RANKIN.
 WM. C. FLEMING.

Both of the reports were chiefly palpable political fencing, and Daily, Taffe, and Rankin, if not the others of the committees, were thus training and posing for popularity in the coming congressional lists. The bill passed the house by the following vote: Ayes, Bennet, Briggs, Collier, Davis of Cass, Davis of Washington, Daily, Dean, Doom, De Puy, Gwyer, Hall, Kline, Lee, Marquett, Mason, Norwood, Roeder, Seymour, Steele, Stewart, Taffe, Wattles, Young; nays, Bramble, Claves, Fleming, Ramsey, Rankin, Steinberger. The bill was indefinitely postponed in the council by the following vote: Ayes, Bowen, Crawford, Doane, Donelan, Furnas, Moore, Miller, Porter, Scott; nay, Dundy.

The politician in legislative bodies may habitually neglect matters of real importance to the public, but he never sleeps on a catch-penny partisan scheme. Near the beginning of the sixth session, Turner M. Marquett of Cass county introduced in the house "a bill for an act to abolish and prohibit slavery or involuntary servitude within this territory." But since the institution of slavery could not be shown to exist in the territory, it was deemed more plausible to assume that it might be established in the future, and so Hanscom's motion to strike out the word "abolish" prevailed by a vote of 19 to 16. The democrats in general voted no, presumably for tactical reasons. The bill now merely prohibited slavery in the territory, and in this form it

passed the house by a vote of 21 to 17. This was not of course a party vote, for the house comprised 26 democrats to 13 republicans, and the council 10 democrats to 3 republicans. But republican politicians led in the project and they were followed by members of both parties. Such names, well known to present day Nebraskians, found in the affirmative list, are: Andrew J. Hanscom, George B. Lake, Dr. William S. Latta, Turner M. Marquett, Samuel Maxwell, and John Taffe.

Like its predecessor of the fifth session, this bill was indefinitely postponed in the council, as follows: Ayes, Collier, Doane, Donelan, Little, Miller, Reeves, Scott; nays, Boykin, Cheever, Dundy, Furnas, Porter, Taylor. Of those voting against postponement, Boykin, Furnas, and Porter were democrats. The next day the bill was recalled from the house by vote of the council for the purpose of reconsidering its postponement, but the motion to reconsider was defeated by a vote of 6 to 7, Furnas, Porter, and Reeves, democrats, voting aye.

Mr. Doane then offered the following as a joint resolution:

Whereas, slavery does not exist in this territory, and there is no danger of its introduction therein,

Therefore, Be it resolved by the Council and House of Representatives of the territory of Nebraska, that we deem it inexpedient and unnecessary to waste the time of the legislative assembly in enacting or to blot the pages of our statute books in publishing acts either to regulate, abolish or prohibit slavery in the territory of Nebraska.

Resolved, further, That being opposed to the introduction of slavery in this territory, and asserting the exclusive power of territorial legislatures over the whole subject of slavery in the territories, by right of inherent sovereignty in the people to regulate their domestic institutions in their own way, and by virtue of the provisions of the Kansas and Nebraska bill, this legislature is prepared in any proper and practical way to take whatever action may be necessary to prohibit or exclude slavery from this territory at any time when such legislation may become necessary.

Resolved, further, That believing the agitation of this question at this time, by the attempt to legislate upon the subject of slavery in this territory, to be ill-timed, pernicious and

damaging to the fair name of our territory, the members of this legislature will oppose all such attempts.

But the council was bent on prohibiting slavery, and another joint resolution to that end was passed by a vote of 6 to 5. Doane's point of order that a similar resolution had been postponed by the council at this session was overruled by the president, and the ruling was sustained by the council, on appeal.

When this resolution went to the house it was referred to a committee consisting of Turner M. Marquett of Cass county, George B. Lake of Douglas county, and Milton W. Reynolds of Otoe county. Marquett and Lake joined in the following report:

Mr. Speaker: A majority of your committee, to whom was referred C. B. No. 58, having had the same under consideration, would beg leave to submit the following report:

That the bill be amended as follows:

Striking out in the title the words "joint resolution" and insert "a bill for an act," and likewise add the following: "Section 2d. This act to take effect and be in force from and after its passage." Those amendments are to be seen on the face of the bill: they need no comments. The question, disguise it as you will, which is involved in this bill, is the great question of the age. Our entire union is divided into two great parties on this question; one party struggles ever to uphold the principles of this bill, the other labors as earnestly for its overthrow, and we are now called to take one side or the other of this great question.

The power to prohibit, in the opinion of the majority of your committee, is conferred on us by our organic act, and, by this measure, the opportunity is given to us to test our fidelity to the freedom, and opposition to the extension of slavery.

The opponents of this measure have not a single reason to advance why this bill should not pass; they put forth, however, some excuses for opposing it. They come forth with the miserable plea that they are opposed to blotting our statute books with useless legislation. Sir, this is not so much a plea against this law as it is in favor of blotting our territory with slavery.

They say that slavery does not exist here, and that this measure is useless. This excuse will not now hold good, for a president's message has just reached us in which it is de-

clared, and in this opinion he is backed with a powerful party, that men have the right to bring slaves here and to hold them as such, and that this is slave territory.

We, it is true, may not be of the opinion that this doctrine is true, but, sir, if men declare that they have a right to make this a slave territory, shall we not prohibit them in this act, and prevent the wrong they would do us? If the friends of slavery insist that they have a right to hold slaves here, shall we tamely submit to it? If they insist on making this a slave territory, which they do, shall we not insist that it shall be forever free?

With the amendments proposed, a majority of your committee would report the bill back to the House and earnestly recommend its passage.

All of which is respectfully submitted:

T. M. MARQUETT.
GEORGE B. LAKE.

The measure, amended into the form of a bill, passed the house, 19 to 17, the council concurring by a vote of 7 to 3. As a matter of course it was vetoed by Governor Black; for in all walks of life, and notably in the devious pathway to political preferment, environment, especially as it bears upon self-interest, has a more potent influence in shaping our principles and determining our beliefs than our weak moral vision is able to perceive or our weaker moral courage is willing to confess, and Governor Black had been appointed from President Buchanan's own state, and artfully, if not naturally, reflected the president's subserviency to the southern, pro-slavery school of politics.

The veto message of this mouthpiece of Buchanan shows the portentous width of the breach between the administration and Douglas factions of the democratic party. The puerile technicalities employed by the governor in his attempt to prove that the organic act did not intend to invest territorial legislatures with authority over slavery indicates his ignorance of the debates over the bill and of the specific declarations by Douglas upon that point. In a heated colloquy with Green of Missouri, who was insisting in a speech in the Senate, January 12, 1860, that the Dred Scott decision had denied any authority of Congress over slavery in the territories, Douglas said:

When the time comes for discussing it, I will show that at that period, on the very night the Kansas-Nebraska bill was passed, I stated that the sole object of the repeal of the Missouri restriction was that the people of the territory might introduce or exclude slavery through the territorial legislature while a territory, as well as after they became a state; and no man who heard me then, can have an excuse for not knowing that I held that the territorial legislature, in the territorial capacity, could do it. The record in the *Globe* will sustain me. . . . In the House of Representatives, after the Kansas-Nebraska bill was passed, the question was put to Colonel Richardson, as the democratic nominee for speaker, whether he thought a territorial legislature could exclude slavery by a territorial enactment during its territorial existence, and he answered in writing; and after that answer every southern member but three voted for him as sound on the territorial question.

In the course of these attacks on Green, which were made with his usual terrific force, Douglas insisted that the Dred Scott decision had not decided the question as to the power of Congress to prohibit slavery in the territories:

I receive the Dred Scott decision as an authoritative exposition, but I deny that the point now under discussion has been decided in the Dred Scott case. There is no one fact in that case upon which it could have arisen. The lawyers engaged on each side never dreamt that it did arise in the case. . . . The understanding was that when a territorial legislature passed an act on this subject, of which any man complained, he should be able to bring the matter before the supreme court; and to facilitate that court in getting jurisdiction, we amended the bill by putting in a peculiar clause providing that a case affecting the title to property in slaves might be taken up to the supreme court without reference to the amount involved. That clause was inserted in order to get this judicial question before the supreme court of the United States. How? On a territorial enactment. Nobody ever dreamt that the court was going, in a decision on any case that did not affect that question, to decide this point without argument and without notice, and preclude the rights of the people without allowing them to be heard. Whenever a territorial legislature shall pass an act divesting or attempting to divest, or impairing, or prejudicing the right to slave property, and a case under that act shall be brought before the supreme court,

I will abide by the decision, and help in good faith to carry it out. . . . But the difference between the senator from Missouri and myself is, that I assert that this question never arose. But suppose I am mistaken. You assert that the question has been decided; I assert that it has not been. Why cannot you wait for it to come before the court regularly? If you are right, the court will decide it in the same way that you think they have already decided it. I do not believe they will ever decide that way; but why not allow the question to come before the court on a proper case, and allow the argument of it? Let my friend from Ohio [Pugh] argue the case before the court.

Though the specious technicalities of the veto message sound to us now like a voice from the tomb of a buried past, yet they were well expressed, and will doubtless be read as an interesting illustration of an important phase of Nebraska's early development.

It was hopeless to attempt to pass the bill over the veto, and when the question came before the council it was laid on the table on motion of Porter, one of its supporters.

A newspaper synopsis of the debate on the abolition bill discloses in an interesting way the differing attitude of the two parties, and of the two factions of the democratic party, toward the slavery question. Mr. Marquett insisted that the legislature had the right and power to prohibit slavery under the organic act. In the second place he said that the enemies of the bill objected to it because they were opposed to cumbering the statute books with abstract questions. "I look forward to the time when the state convention meets to see the same parties raise the cry of abstraction there. Why, sir, the Declaration of Independence was an abstraction; the way our forefathers secured to us the blessings we now enjoy was by declaring abstractly their rights and maintaining them; hence it was said by Daniel Webster that the Revolution was fought on a preamble; and in the days of the Revolution men who opposed the right merely because it was an abstraction were called tories." To the objection that the bill created unnecessary agitation, he said that, "We can not injure the territory by proclaiming to the world that the footprints of a slave

shall never curse her soil. . . . But, sir, it is not an abstraction; there are slaves in this territory. I have been informed that there are no less than seven or eight at Nebraska City. I have also been informed that there are some fifteen slaves near Ft. Kearney; and from the political complexion of the people of that section, I am ready to believe it. Slavery does exist here, and if it is wrong to hold a thousand slaves it is wrong to hold one. If there is only one slave here then there is a necessity for this law."



MILTON W. REYNOLDS (KICKING BIRD)

Mr. Belden of Douglas county, Buchanan democrat, said that he voted to reject the bill on the day of its introduction because he believed it was introduced for mischievous purposes. He was unwilling to enter on a crusade against the rights and interests of the South. What had that section of the country ever done that her institutions should be continually and persistently assailed by the abolition press and party of the country? Then, again, there was no necessity for this legislation. It would do no harm to declare that the sun should go on in its accustomed course, still he had no idea that anybody would think of introducing a bill for any such pur-

pose. The country had been thrown into a constant agitation for no other purpose than to build up a sectional party. The speaker then read the resolution from the Philadelphia platform which declared that Congress had sovereign power over the territories, and in the exercise of that power it was their duty to prohibit slavery. "If Congress has this power how can the territorial legislature have it too?"

George B. Lake, afterward judge of the supreme court of the state of Nebraska, made a very positive and forcible speech, forecasting his ultimate desertion of the democratic party upon the issue in question. This speech created a sensation in the house. Mr. Lake was willing to meet this question today, and was opposed to occupying much time. He was prepared to canvass the question and record his vote. He believed we had the right to exclude slavery, and was not one of those who were willing to be driven from the position he had taken during the recent canvass; therefore he said emphatically and candidly, that the people of the territories, through their legislatures, had sovereign power over this subject. That principle was clearly defined in the Cincinnati platform. Mr. Buchanan, in his letter of acceptance, recognized it in the most emphatic terms. He then read from Mr. Buchanan's letter of acceptance:

This legislation is founded upon principles as ancient as free government itself, and in accordance with them has simply declared that the people of a territory, like those of a state, shall decide for themselves whether slavery shall or shall not exist within their limits.

The democracy fought the campaign of 1856 upon that issue. That was the issue made on every stump in all the free states of this Union. It was to this living principle alone that the democracy was indebted for its success in that struggle. "Does the gentleman believe we should have succeeded upon any other ground? This is a principle that is dear to every friend of free government. Men may change but principles never do. The president may declare, as he has since done, that 'slavery exists in all the territories of

this Union as much as in Georgia or South Carolina,' if he pleases; but whenever he or his cabinet meets the Little Giant of the West, the language of his letter of acceptance must stare them in the face." His colleague had said that this bill was the vitalizing principle of the republican party. "That may be so. But if the democratic party in this legislature carry out in good faith the principles promulgated in the organic act, and are not driven to take ground against the principles advocated on the stump during the recent canvass, the originators of this bill will be but little benefited by its introduction." He hoped this bill would pass the house. If it did not, and if the majority took ground in opposition to its passage, the democratic party would be driven into a hopeless minority in this territory. No party could stand for a single day if it took the ground his colleague had taken. The principle of popular sovereignty was so deeply implanted in the public mind that they would be satisfied with nothing short of it. If this question was of sufficient importance to require us to meet it as we had to upon every stump, and explaining, as we did, that the people had the right to exclude slavery, it seemed to him that every democrat would see the necessity of meeting this question promptly and deciding it by forever excluding slavery from this territory.

The attitude of intelligent and leading democrats of this time toward the slavery question is well illustrated by the remarks, in this debate, of Mr. Milton W. Reynolds, for several years editor of the *Nebraska City News*. After asserting that "the object of the bill and its introduction at this time is evidently for the purpose of creating a little stock in trade for the next election," Mr. Reynolds proceeded:

Slavery has no existence in this territory. The few persons, amounting to but five or six, held ostensibly as servants, are really in a state of willing or voluntary servitude. When their masters emigrated from Missouri to Nebraska, they voluntarily and cheerfully accompanied them. Their condition is by no means deplorable, and I cannot consider them as objects of extraordinary commiseration or worthy of the far fetched philanthropy of gen-

tle men ever on the alert to discover objects of pity beyond the limits of their own communities and their own neighborhoods. The only persons alleged to be held in a state of servitude in this territory are three or four in number at Nebraska City. These three or four beloved servants are in an infinitely better condition than a majority of the white servants of this very city in which is located the seat of government of the territory of Nebraska. Theirs is a paradise compared with nine-tenths of the white servants of the north. They fare better and go better dressed, and are treated more kindly and affectionately than the hotel servants throughout the entire northern states. In behalf of these servants I protest against the passage of this bill. Have they petitioned and prayed your honorable body to pass any such enactment? Do they desire its passage? Do you not know that it will operate most detrimentally, seriously and most prejudicially to their best interests? Driven out from their homes of quiet ease and luxury, they will be obliged to seek a bare and scanty subsistence in that cold, cheerless and already crowded *charcoal* district in Canada, or they will be transported to the cotton fields and rice plantations of the south.

On the third trial — at the seventh session — the prohibitory measure was enacted into law.

The bill was passed over the veto — in the house by 31 to 2, Downs and Porter voting nay; and in the council by the same vote as it received on its original passage.

While the democrats had coöperated with the republicans in the formality of prohibiting slavery in the territory, the leaders of the party dashed from their lips the cup of advantage which would have accrued to them through this moderation, by persisting in their violent opposition to anti-slavery principles or tendencies.

At the twelfth session, Augustus F. Harvey of Otoe county introduced a bill to remove distinctions on account of race and color in the school laws of Nebraska, "by providing separate schools for negro children." The following minority report discloses the question at issue:

Mr. Harvey from the select committee on the bill, by unanimous consent, submitted a minority report, as follows, on House File No. 9 — An act to remove the distinctions on ac-

count of race and color in the school laws of Nebraska.

That they do not agree with the recommendation of the majority of the committee. The bill as referred to the committee provides for the education of colored youth. It gives them all the privileges and advantages of the common school system, the means of a free education, and lays the foundation of their usefulness to the extent of their ability as humble members of the body politic. To the proposition of the original bill, authorizing the boards of education to provide separate schools for colored children, the undersigned agree, and will heartily concur in any action of the House which may adopt it.

But the amendment proposed by the majority of the committee contemplates the admission of colored children to our schools on an equal footing with white youth. This is reaching too far in advance of the age. The people of Nebraska are not yet ready to send white boys and white girls to school to sit on the same seats with negroes; they are not yet ready to endorse in this tacit manner the dogma of miscegenation; especially are they yet far from ready to degrade their offspring to a level with so inferior a race.

The undersigned do not believe the intention of the majority of the committee can be carried out by the people; and we do not believe that the legislative assembly should force upon the people a measure so obnoxious to their wishes and habits and the established principles of political equity.

We therefore offer the following as a substitute for the recommendation of the majority of the committee:

Resolved, That the amendment to H. F. No. 9, viz., to strike section 2 and 3 thereof, do not pass.

AUG. F. HARVEY.
E. P. CHILD.

The amendments of the committee were agreed to by a vote of 19 to 13, and the bill passed 25 to 10. The bill passed the council by the following vote: Ayes, Doane, Doom, Majors, Neligh, Presson, Reeves, Sheldon, Stewart, Wardell; nays, Bates, Baumer, Freeman. Following is a copy of the bill:

An act to remove the distinctions on account of race and color in the school laws of Nebraska.

Section 1. Be it enacted by the Council and House of Representatives of the territory of Nebraska, That the word "white" in the fourth line of section eight of chapter XLVIII (forty-eight) of the revised statutes of Ne-

braska, entitled schools, and found upon page 354 of the printed volume of said revision, and the proviso at the end of section 48 of same chapter as found upon page 372 of said printed volume, be and the same are hereby stricken out, and shall hereafter be of no effect.

Section 2. This act shall take effect and be in force from and after its passage.

Secretary A. S. Paddock was acting governor at this time on account of the absence of Governor Saunders, and he interposed the following veto:

The Honorable, the House of Representatives:

I return herewith to your honorable body, in which it originated, "an act to remove the distinctions on account of race and color in the school laws of Nebraska," without my approval.

The amendments to the present school law, provided for in this act, contemplate the enumeration of the colored youths, and the taxation of colored persons in the territory for school purposes. I cannot think it was the design of the legislative assembly to accomplish only these things by this act. I am quite sure it was intended to give the children of colored persons who are to be taxed for school purposes the privilege of education at the public expense; yet the act itself does not sanction this.

You will agree with me that all who are thus taxed should be allowed their proportion of the school fund for the education of their own children. Any other rule would be oppressive and unjust. I shall gladly unite with the legislative assembly in the enactment of a law providing for the education of the colored youths of the territory, as well as for the taxation of colored persons for school purposes. Permit me, however, to suggest that better results could be expected in the education of both white and colored youths if separate schools could be provided for each.

Much as we may regret it, we cannot close our eyes to the fact that a strong prejudice exists in the public mind against the intimate association of the youths of the two races in the same public schools, which no amount of legislation can eradicate. It cannot be otherwise than that in populous towns, contentions will arise between the two classes which must certainly retard the educational advancement of both.

I think we should act wisely if, in changing the law so that the children of this unfortunate class of our fellow-citizens who are now excluded, are to receive education at the

public expense, we should provide for separate schools where the number of scholars is large enough to warrant it. This should not be compulsory, but optional with the citizens of the locality specially interested.

Very respectfully your obedient servant,
ALGERNON S. PADDOCK.

On the morning of February 14th the house directed the sergeant-at-arms to return the message to Mr. Paddock because Governor Saunders had returned to the territory on the 13th, the day of the date of the message. Appeal was made to Governor Saunders but he declined to interfere as follows:

Omaha, Neb., Feb. 14, 1867.

To the Honorable, the Speaker of the House of Representatives:

Sir—Your communication of this date, in which you state that "you are of the opinion, (a majority of the House agreeing), that in the case arising, in which the secretary has today returned certain bills as Acting Governor, that the House can receive no such communications," is received.

In reply, I beg leave to state that I returned to the territory on the evening of the 13th inst., but it was at too late an hour for ordinary business, and I therefore gave no notice of my return, to the secretary, until today, the 14th inst.

I have this day assumed the duties of my office, and I can see no impropriety in the acting governor returning, today, the business of yesterday and prior days of the session; but, of course, I do not assume to legally decide this question for the House.

I have the honor to be, sir, very respectfully,

ALVIN SAUNDERS,
Governor of Nebraska.

The intent of the amendment plainly was to throw open the public schools to negro children; but possibly Acting Governor Paddock was right in assuming that, though they were to be enumerated and the property of negroes was to be taxed with that purpose in view, yet, without a positive provision in the law that these children should be admitted to the schools, they would be excluded. The house evidently distrusted its act, for no attempt was made to override the veto. Illustration of the fact that republican policy had now settled determinedly for general negro suffrage, and of the no less determined opposition of the democrats, is found in the majority and minority re-

ports of the select committee to whom was referred that part of Acting Governor Paddock's message which disapproved of impartial suffrage. The majority report, made by Isaac Wiles of Cass county and George Crow and William Daily of Nemaha county, was as follows:

We hold that the dogma of partial suffrage is a dangerous doctrine and contrary to the laws of nature and the letter and spirit of the Declaration of Independence. "We hold these truths to be self evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." Your committee is of the opinion that there should be no law prohibiting any portion of our people from the exercise of the right of suffrage on account of race or color; and that the qualifications for the elective franchise should not be based on education, but patriotism, manhood, and natural intelligence. Entertaining these views your committee cheerfully endorses the action of congress in so changing the organic acts of the territories that henceforth, in any territory now organized, or hereafter to be organized, there shall be no denial of the elective franchise, on account of race or color.

The opposing minority report, presented by Steritt M. Curran of Douglas county and Augustus F. Harvey of Otoe county, was as follows:

We hold that the dogma of impartial suffrage is a dangerous doctrine and contrary to the laws of nature and the spirit of the Declaration of Independence.

We hold that the right to the elective franchise is not a natural and inalienable prerogative, but is one which may be granted or taken away at the pleasure of the primary governing power, that is, in a democratic form of government by the people.

We hold also, that the dictation by congress, directing the people of any territory to confer the elective franchise upon any race or class is without warrant in the constitution of the United States, without precedent in the history of national legislation, and a gross usurpation of the most sacred rights of the people.

The majority report was adopted by a vote

of 23 to 9, and the minority report was defeated by a like vote.

Following is a sample Mortonism from the *News*: "Sir William Daily, member from 'PrU,' as he spells it, has prepared twenty-seven bills for striking out the word white in Nebraska laws. Trouble with the apportionment bill alone prevented him from striking out Brown in Brownville, and inserting 'without distinction on account of race or color.'"

The first local record of slaveholding in Nebraska is in the *Palladium* of August 16, 1854. As the climax of a severe rebuke of critics of the popular sovereignty principle the editor asserts that, "an Omaha squaw is the only negro owner in the territory." The *News* of November 27, 1858, notes that on the day of the first appearance of the *Press*, the opposition organ, "two negro women were enticed from our worthy townsman, Stephen F. Nuckolls, by some white-livered abolitionist," and that Mr. Nuckolls had offered a reward of \$200 for their apprehension and return to him. The *Dakota City Herald* tells of the arrest of a fugitive slave, Phillips by name, who had been at that place about a year; but he was rescued by citizens from the Iowa side of the river.

A case that well illustrates the method of search employed by pursuing parties is that of the escape of the Nuckolls slaves through Iowa, the incidents of which are still vivid in the memories of some that witnessed them. Mr. Nuckolls, of Nebraska City, Nebraska, lost two slave girls in December, 1858. He instituted search for them in Tabor, an abolitionist center, and did not neglect to guard the crossings of two streams in the vicinity, Silver Creek and the Nishnabotna river. As the slaves had been promptly dispatched to Chicago, this search availed him nothing. A second and more thorough hunt was decided on, and the aid of a score or more fellows was secured. These men made entrance into houses by force and violence, when bravado failed to gain them admission. At one house where the remonstrance against intrusion was unusually strong the person remonstrating was struck over the head and injured for life. The outcome of the whole affair was that Mr. Nuckolls had some ten thousand dollars to pay in damages and costs, and, after all, failed to recover his slaves.

The *Underground Railroad* (Siebert) col-

lects from the letters of the Rev. John Todd, Tabor, Iowa, which were published in the *Tabor Beacon* in 1890-1891, the following account of the pursuit of his abducted slaves:

Eliza, a slave of Stephen Nuckolls, who had escaped late in 1859, was arrested in Chicago on the 12th of November, 1860, and to escape a mob of excited negroes the United States marshal was compelled to give the woman to the city police, who lodged her in the armory for safe-keeping. On the 24th the same paper relates that Eliza had been taken from an officer of the government and sent "kiting to Canada." The *Omaha Nebraskian* quoted approvingly the comment of the *Chicago Times and Herald* on the incident:

A runaway slave belonging to Hon. S. F. Nuckolls, of Nebraska City, was recently captured in the city of Chicago, but almost immediately forcibly taken from the officers by a mob of drunken negroes and black republicans. In commenting on the affair, the *Times and Herald* of that city says:

"In the presence of thousands assembled, a mob of drunken and infuriated negroes forcibly overrides the constituted authority of the constitution of the United States, and rescues a fugitive from the custody of the law, amid general rejoicings and midnight howls! Who can doubt henceforth the strength of the federal government? Who can question our loyalty to the constitution? Let the south dare to talk of seceding, with this glorious evidence of our fidelity to our obligations to the law? Grand government! Magnificent civilization! Down with the lawless southern barbarians! Stocks rising! Illinois banks sound! Niggers going up! The jubilee of freedom actually come!

"Go it darkies! Hurrah for free speech, free homes, free mobs, and free negroes. The day of Jubilee has come!"

Cyrus H. McCormick, the famous manufacturer of reapers and mowers, was the owner of the *Times and Herald* at this time.

In 1860 Mr. Nuckolls brought suit in the district court of the territory against Reuben S. Williams, George B. Gaston, Lester W. Platt, and thirteen other citizens of Civil Bend, Iowa, for carrying off two of his slaves to Iowa and then to Canada in 1858. Judge Miller, overruling a demurrer, decided that in this territory, where there had been no leg-

isolation on the subject, under the constitution and laws of the United States, an action might be entertained against parties carrying away persons owing service or labor.

The Missouri-Kansas line of John Brown's "underground railroad" system for running off slaves into Canada ran through southeast Nebraska. It passed through Lawrence, Topeka, Horton, and Albany, Kansas, crossing the Nebraska line opposite the last named place. It then ran through Little Nemaha, Camp Creek, and Nebraska City, crossing the river here to Percival, about seven miles northeast, in Fremont county, Iowa; then on to Tabor, which was a sort of rendezvous. From this place there were several roads, but all toward the northeast. In December, 1858, Brown made a raid into Missouri and led away twelve slaves over the route described, and then on to Canada and freedom. The party of fugitives passed through Nebraska City on the 11th of February, 1859, and the *News* — Milton W. Reynolds, editor — gives them a God-speed little less than ferocious. The headlines of the notice were: "Horse thieves and nigger stealers. Fit associates, Boon companions! Old John Brown of Osawatomie passes through Nebraska City with a troupe of Niggers and a gang of Horse-Thieves. Read! Read! Ye who are attacked with Negrophobia!" The exciting cause of this tempestuous outbreak of epithet follows:

John Brown, Captain John Brown, Old John Brown of Osawatomie, the "Old John Brown" who Gerrit Smith, when leading on the cohorts of the simon-pure abolitionists in the last campaign of New York, being a little at the outs with the straight black republicans, declared had done more for the freedom of Kansas than the whole republican party, passed through this city late last Friday evening at the head of a herd of stolen niggers taken from southern Missouri, accompanied with a gang of horse thieves of the most desperate character. They had a large number of stolen horses in their possession — two of which were taken and are now held by the deputy sheriff of this county.

There is an appropriateness and fitness in nigger stealers being associated with horse thieves that the rankest black republican cannot fail to appreciate. A fellow feeling makes

them wondrous kind. Their practices are similar, and it is not to be wondered at that they exhibit little discrimination in the selection of their chattels. If the amount of the property stolen is to regulate the heinousness of the crime, it must be confessed the profession of the horse thief is the more liberal and dignified calling. Osawatomie Brown and the notorious Montgomery have carried on their depredations during the last few months in a high-handed manner. Brown and his precious gang have eluded their pursuers; they have gotten into Iowa and may now be considered as safely on "tother side of Jordan."



JOHN BROWN
The abolitionist

We clip from the *Daily St. Joseph Gazette* an account of their escape from Kansas:

A gentleman from Atchison, upon whose statements we can place the utmost confidence, informed us late last evening, of some new outrages in Kansas. He states that Osawatomie Brown, with eleven runaway slaves had been surrounded by a posse of men under the U. S. marshal, in a little town called Eureka. The marshal did not deem his force sufficient to attempt a capture of Brown, and sent to Atchison City for a reinforcement. Fourteen men left this latter place on Sunday evening to join the Marshal whose whole force, counting the men from Atchison, numbered but

twenty-five, and with which he marched to Eureka to accomplish his purpose. On reaching this point, however, it was discovered that Brown had about seventy-five men well armed, besides the eleven negroes, and not deeming it safe to make an attack upon him, they commenced to retreat. One of the marshal's party named William Green lost a horse in the retreat, and three others, Dr. Hereford, Charles Deitman and Joseph Mc Vey, volunteered to go back with him to Eureka to recover it. They were set upon by Brown's men when near that place and all taken prisoners, and are now in his camp. The marshal has sent to Fort Leavenworth for troops to assist him in arresting Brown, if possible, before his escape into Nebraska."

But Siebert says that Brown had "a mere handful of men," and he states that, "at Holton a party of pursuers two or three times as large as Brown's company was dispersed in instant and ridiculous flight and four prisoners and five horses taken. . . . Under an escort of seventeen 'Topeka boys' Brown pressed rapidly on to Nebraska City." When the fugitives reached Grinnell, Iowa, they were entertained by J. B. Grinnell in his own house.

The democratic territorial newspapers were from the first hostile to anti-slavery sentiment and propaganda, and this hostility became bitter and almost violent when the republican press became aggressive against slavery. The Nebraska City *News* refers to the Omaha *Republican* as "our woolly neighbor" and "our African contemporary"; and, under the head "Dignified and Courteous Lying," in charging the *Republican* with the heinous offense of issuing a map of the gold regions which shows Fort Kearney as lying north of a line due west from Nebraska City while it is in fact a mile and a half south of that line, calls the *Republican* "an organ of the great moral and religious black republican party. It rolls up its ebony eyes from under its woolly eyebrows in pious horror, and shows a pair of white ivory teeth when we call things by their right name in our criticisms upon its party." Mr. Theodore H. Robertson, editor of the *Nebraskian*, in the course of a trip to the East in the spring of 1860, passed through Oberlin, Ohio, and in his paper he assailed

that place as, "The plague spot of creation, the hotbed of fanaticism, the carbuncle upon Ohio, and the black stain upon her fairest es-cutcheon, where treason is taught as a virtue and where hideous murder is regarded as no crime, where abolitionism is taught from the pulpit as more sacred than the gospel of Christ. In Oberlin, John Brown, the cruel murderer, the experienced and skillful horse-thief, is canonized as a holier person and better saint than the world ever before saw. The peculiar institution of Oberlin is nigger."

The Nebraska *Advertiser* attacks Governor Black's veto of the slavery prohibition bill and quotes severe criticisms of the veto message by the Chicago *Times*, the Philadelphia *Press*, the Pittsburgh *Post*, and the Cincinnati *Enquirer*. The *Times* said: "In his message, the governor, Hon. Samuel W. Black, furnishes the legislature with a literary and legal production which is a weak, very weak, condensation of the other Black's famous argument. . . . If slavery cannot be repealed or prohibited in Nebraska by the legislature because the constitution protects and guarantees security to it as property, how can Governor Black as a lawyer . . . maintain that the people of Nebraska, by a state convention, can displace and overrule the constitution of the United States?" The *Press* said: "The executive authority of the territory is vested in Colonel Samuel W. Black, of Pittsburg, who was appointed governor by Mr. Buchanan, and who, while always an ardent democrat, was at no very remote period, a warm advocate of the Wilmot proviso, and we believe the author of the resolution incorporated in the platform of the democratic state convention, adopted at Pittsburg in 1849, in favor of the Wilmot proviso. In the campaign of 1856, Colonel Black was an earnest champion of the doctrine of popular sovereignty as then understood in our state; and few who heard his eloquent speeches at that time, . . . when he advocated the right of the people of the territories to control their 'domestic institutions,' with special reference to the slavery question, would have supposed that he entertained the slightest doubt about the power to decide whether sla-

very should or should not be tolerated among them." The *Press* made the same point as that made by the *Times*, that Governor Black imitated Attorney-General Jeremiah Black's argument, and that in citing the Louisiana treaty he proved too much, because if the people of the territory could not override the treaty in the passage of laws, neither could they do so in forming constitutions. The *Pittsburgh Post*, published at Black's old home, and the Cincinnati *Enquirer* both charged him with recreancy to the principle of popular sovereignty.

The *People's Press* of Nebraska City, insisted that slavery was an issue: "Democracy has made this slave territory. In your own courts—almost within the shadow of your own homes—servile laborers are employed in places that should be open to the independent competition of the free laboring man of Otoe county." This republican organ also insisted that "the people have, and should exercise the power of sovereignty, of prohibiting slavery." The same paper said: "Leave it to the control and operation of those laws of nature upon which the democracy ask us to rely for the making of this a free state and Nebraska will inevitably be a slave state." The *Press* insisted that those who were able to buy or hire slaves would do so for the purpose of making them household servants, if nothing more. The wealthy complained that housekeepers were constantly annoyed by the overbearing and independent conduct of servants. The expression was common that, "If I were sure that I would be protected in holding slaves I would buy a man and woman to work around the house; and then if they did not do as I wanted them to I would make them." In the rapid revolution and the slower evolution of our institutions and conditions, domestic service appears to remain in the same desperate status as it was when it impelled housekeepers to yearn even for domestic slavery as a remedy. A call for a democratic meeting in Nebraska City to ratify the nomination of General Estabrook as delegate to Congress said: "All who believe in the sovereignty of the people, who deny that the acts of

the territorial legislature are subject to the regulations of congress, who are in favor of dedicating the free soil of Nebraska to free white men . . . are invited to be present." At a democratic meeting at Nebraska City, held for the purpose of nominating delegates to the constitutional convention, a resolution asserting the constitutional right of the territorial legislature to establish, regulate, or prohibit slavery within territorial limits was laid on the table by a vote of 26 to 15, Governor Black's influence prevailing over squatter sovereignty, which was supported by Judge John F. Kinney. Stephen F. Nuckolls and Augustus F. Harvey sustained Black. A compromise was arranged by the adoption of the national platform of 1856, the Plattsmouth platform of 1859, and a resolution to the effect that Nebraska must be a free state. The county convention held subsequently could not elect delegates on account of filibustering on the part of the anti-Black men, and adjourned in confusion.

Mr. Reynolds, editor of the *Neves*, said that he voted against the bill to abolish slavery when he was a member of the legislature because it had no legal existence in the territory, and because he was opposed to the monstrous doctrine that the constitution had carried it here. "Partly for spite, but mostly to get disunion into Democratic ranks, the Republican members of the last Nebraska Legislature attempted to abolish slavery in Nebraska"; and that was "an imaginary evil that had no sort of legal or practical existence; three or four persons only were held as slaves and these only ostensibly, by citizens of Nebraska City."

Even far-off Nebraska signalled the approaching disruption of the democratic party. On the passage of the bill two of the leading democratic members explained their votes, but arrived at opposite conclusions from substantially the same premises. George W. Doane expressed his opinion that President Buchanan, in his late message, had seen fit to step far out of his way "to throw this agitating question upon the country and upon the democratic party; and if he can stand it to

introduce this agitation, I can." Mr. Doane denounced as heresy the President's contention that the people of the territories had no right to legislate upon the slavery question, and he voted for the bill to emphasize his dissent from that doctrine. William A. Little, who was elected judge of the supreme court at the first state election, but died before taking the office, was even more fiery than his colleague, Judge Doane, in his dissent from Buchanan's opinion:

If we could actually see a black cloud rising in the south, and should a horde of slaves be precipitated upon our fair soil today, no one would vote quicker than I, to repel such an evil from the land. But where is the danger? Where is this dreaded African spectre that like Hamlet's ghost flits ever before the hallucinated vision of the supporters of this bill? Our soil is yet unstained with slavery; we are free, and surrounded with free soil; Iowa on the east, is free. Kansas on the south, is free, and is there danger on our northern and western borders?

Sir, I too, like the gentleman from Burt, take issue with Mr. Buchanan. I believe congress has no power over the territories upon this question. But I shall not vote for what is now uncalled for. This bill had its origin in black republican buncombe. As a democrat, I shall not vote to honor their political caprices, and exercising common sense, I shall not vote to dispel a phantom. Sir, I vote "no" upon this bill.

In the issue of June 30, 1860, the *News* relates that six negroes had deserted and escaped from Alexander Majors of Nebraska City. "We can hardly think that our city is infested with such misguided philanthropists as nigger thieves and abolitionists. This dirty work is doubtless left for the nasty abolitionists of Civil Bend and Tabor." The republican commissioners of Otoe county returned "these negro servants or persons as property and taxed them as such."

In August, 1860, nineteen "niggers" were run through Nebraska City on the underground railroad and kept at a storehouse over night at Wyoming by the editor of the republican paper there. As we have already seen, the census of 1860 showed that there were eighty-one negroes in Nebraska, ten of whom

were recorded as slaves. The Omaha *Nebraskian* of August 18, 1860, notes that the Falls City *Broad Axe* says that a cargo of six or more fugitive slaves passed through Salem, escorted by thirty or forty whites, armed to the teeth.

The following resolutions were adopted by the democratic convention of Otoe county: "The democracy of Otoe county are in favor of making Nebraska a free state, and we will vote for no man as a candidate to the convention who will not pledge himself to vote for a clause in the constitution prohibiting slavery in the state of Nebraska." The Nebraska City *News* demanded a law excluding negroes and negro laborers from the territory of Nebraska: "Cannot this be kept sacred as a home for white men—a field for white labor; or shall it be made, as Kansas is, an elysium for vagabond niggers? Will some of our Africanized journals give us their opinion upon this question? Will the abolition sheets at Omaha, Brownville and Nebraska City state whether they are upon the side of white men or negroes? . . . Do we of Nebraska want a population of niggers? Do the whites of Iowa want a population of niggers? Does anybody, except the blatant abolitionists, want the two races to intermingle, amalgamate, and die out, as all hybrids do? If yes! support the black republican abolitionized party now in power and you can have your desires." The same paper notes that no less than five or six "newly imported niggers," some escaped contrabands and some free, were in the city and offering to work for six dollars a month; and the laboring classes of the North are warned of the disastrous end of the emancipation schemes of the republicans which this incident indicates.

The *News* referring to a bill just passed by the legislature striking out the word "white" from the school laws, observes: "The Nebraska legislature has enacted that nigger children shall attend school with white children and upon the same benches learn the same lessons. . . . The high school building at Nebraska City is a magnificent edifice. Our people in paying taxes for its erection and sup-

port may console themselves with the proud reflection that in its broad aisles and throughout its spacious halls, their own children may mingle freely with little niggers and enjoy the luxury of the aroma arising therefrom, untaxed." The *Press* had observed exultantly that "our high school building of which we

are justly proud, was built on the broad principle of equity and no distinction on account of color"; whereupon the *News* retorted: "The attention of the *Press* man is called to the fact that a distinction on account of odor may yet be made by which both himself and the genuine nigger may be excluded."



James H. Cook

[NOTE - Captain James H. Cook was a famous guide and scout in the Indian campaigns of the '70's and '80's. Afterward he became one of Nebraska's big ranchmen.]

CHAPTER XXI

THE PIONEER RAILWAY OF NEBRASKA

FROM the time of the first emigrant travel to Oregon, Nebraska has been traversed by a great national highway with many important feeding branches converging into it. This fact, of great commercial importance and historical interest, is due to the intersection of the state by the great Platte valley, a natural way for general travel, an unrivaled railway route, and in the direct line of the most rapid and constant territorial development and commercial progress toward the West. In Chapter III these early roads have been traced

It is seldom that an important discovery may be attributed to one man or assigned to a specific date, and this is true also of the initiative or suggestion of great enterprises; and so the idea of the building of a Pacific railway was in the minds of many men, simultaneously, and many years before it was practically applied. The pioneers of Nebraska realized the importance of a Pacific railway, and actually promoted the great project. This is attested by the resolutions introduced by M. H. Clark in the first territorial legislature, and by a



POINT WHERE THE UNION PACIFIC RAILROAD CROSSES THE OVERLAND TRAIL SEVEN MILES WEST OF BIG SPRING, NEBRASKA. CALIFORNIA HILL IN THE BACKGROUND

and described according to the best historical data available. The first local record of them appears in the plats of the surveys which began soon after the organization of the territory, and, continuing down to and during the time in which the first railway of the territory — the Union Pacific — was constructed, afford an accurate outline of the principal wagon roads in use during the period of about fifteen years immediately before they were superseded by the railway system of the state.

notable memorial to Congress, drafted by Wm. A. Gwyer, and adopted at a mass meeting held in Omaha January 29, 1859. The *Omaha Republican* gave an account of a meeting held at Omaha for the purpose of encouraging immigration, which was attended by George Francis Train, Major-General Samuel R. Curtis, and Col. J. H. Simpson, all of whom were connected with the building of the Union Pacific railroad. In his speech, General Curtis said that in 1825 the commanding officer at

Council Bluff (General Leavenworth) made an elaborate report urging a Pacific railway as a military convenience, and that General Frémont, when he explored the great mountain pass at the head of the Platte valley, wrote on the spot, "This will one day be the route of a railroad that will span the continent from ocean to ocean." Progressive temperament and quick insight, stimulated by lively imagination, form a strong American characteristic. Within two years of the time of the introduction of the steam railway into America a Pacific railroad was proposed in the *Emigrant*, a journal published at Ann Arbor, Michigan; and in 1836, John Plumbe, a civil engineer, called the first public meeting to promote the project, at Dubuque, Iowa. General Curtis said that in 1839 he drew up a petition, which was printed, signed by many, and forwarded to Mr. Adams, who presented it in the House with commendations.

Thomas Ewing, in his report as secretary of the interior for 1849, in urging the building of a road of some kind to the Pacific, said: "Opinion as expressed and elicited by two large and respectable conventions, recently assembled at St. Louis and Memphis, points to a railroad as that which would best meet the wants and satisfy the wishes of our people. But what that road will be, and where and by whom constructed, must depend upon the action of Congress."

Asa Whitney, a merchant of New York, engaged in trade with China, made the first definite proposition for building a Pacific railway. His first memorial to Congress on the subject was presented in 1845. In the third memorial, presented in March, 1848, he proposed to build a road from Lake Michigan to the Pacific coast, an estimated distance of 2,030 miles, on condition that the United States should sell him a strip of land sixty miles wide along the line at sixteen cents an acre; such lands, or their proceeds which might be left after the road was built, should be reserved to keep it in operation and repair until it should become self-sustaining, and the remainder should then revert to the grantee or builder of the road. Whitney estimated that only the first eight hundred miles

of the grant of land would be valuable, and he calculated that the cost of the road would be \$60,000,000.

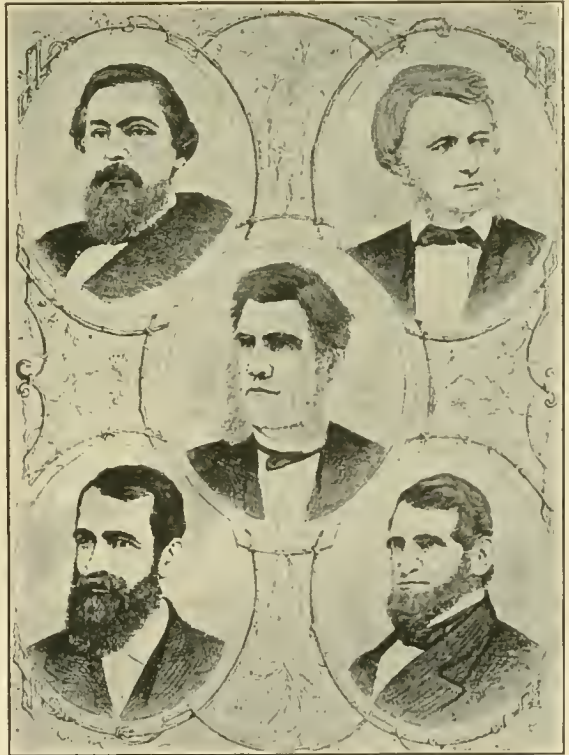
The committee on roads and canals of the House of Representatives submitted a report on this memorial in March, 1850. They approved the project for the following reasons: That it would cement the commercial, social, and political relations of the East and the West; would be a highway for the commerce of Europe and Asia to the great advantage of this country; would tend to secure the peace of the world; and would transfer to the United States part of the commercial importance of Great Britain. The committee preferred Whitney's plan to any of the others because it was a purely private enterprise in which the government would be in no way entangled; because the route had fertile land and timber in greater quantities than any of the more southerly routes; because the rivers could be bridged more easily on this route; because owing to the dryness of the atmosphere, the snowfall was less than on other routes; because the northern passes are lower than those of the south; because perishable products could be carried more safely than on the warmer southern routes; because the higher the latitude the shorter the distance to be traveled; because the plan created the means for self-execution; and because no other plan proposed to lower the cost of transportation.

These reasons anticipated, substantially, all that were afterward urged to the same purpose. Bills embodying Whitney's proposition were introduced into both houses in 1850, but no vote was taken on either. Before the end of the thirty-second Congress the project of Pacific railways had come to be of leading importance. Senator Gwin of California introduced a bill for the building of a main line and branches involving the magnificent distance of 5,115 miles. The main line was to run from San Francisco, through Walker's Pass and New Mexico, and down the Red river to Fulton in southwestern Arkansas. A numerous family of branches was to spring from this trunk, running to the north and to the south. Lewis Cass struck the keynote of the knell of this overdone enterprise: "It is

entirely too magnificent for me. I want a road, and for the present I want one road, and only one road, for one is all we can get now." In fact, neither the time nor the method for building the road was ripe. This novel and astounding enterprise was not to be the creature of a day. It must be a growth. But the general method by which the road was finally to be built was outlined in a substitute for the Gwin bill known as the Rusk bill. This bill provided that the President, with the aid of army and civil engineers, should designate the most practicable route and the termini of the railway, and the project should have a subsidy of alternate sections of land on each side of the road, six miles in the states and twelve miles in the territories, and in addition United States bonds in the amount of \$20,000,000. Though President Pierce favored this bill or a bill of this kind, the unripeness of the times, which means largely the impracticability of adjusting sectional difficulties, defeated the bill.

The origination of important public measures or policies and procuring their enactment into law or their practical introduction and administration is a test of great statesmanship. Stephen A. Douglas, the father of organic Nebraska, exhibited great prescience and capacity for practical leadership in recognizing the importance, and instituting a method of protecting the rights of the public under the railway land grant system which he, probably more than any other statesman, was instrumental in establishing. He pushed through Congress the first railway land grant, by which the state of Illinois received 2,595,000 acres of land, which in turn was granted by charter February 10, 1851, to the Illinois Central railway company, to be used in constructing its first line of 705½ miles. Douglas had defeated a previous attempt to grant this land direct to an irresponsible company, and also a corrupt attempt by the legislature to bestow it upon the same interests; and he then procured the insertion in the charter of the Illinois Central company a provision that it should pay to the state annually five per cent of its gross earnings. By agreement, after two years this payment was increased to seven

per cent, and the requirement to pay this amount was embodied in the state constitution of 1870. In the year 1900 the revenue paid to the state on this 705 miles of road, through the foresight and imperious influence of Douglas, was \$784,093, and in 1901 it was \$844,133. If Douglas had remained in the Senate through the prodigal and prolific period of railway land grants, many millions of acres of the best lands would have been saved for direct homestead settlement, and the country would have been saved from a long



From an engraving in the History of Wyoming by C. G. Coutant.

THOMAS C. DURANT SIDNEY DILLON THOMAS A. SCOTT
JAY GOULD OAKES AMES

series of grievous public scandals, and without impeding proper and healthy railway extension. He might have induced a policy of precaution or prevention instead of a policy, like to that traditional typical feat of leaving the stable door unlocked until the horse is stolen, which offered opportunity for colossal land-grabbing and afterward frantically con-

denmed the principle and sought to recover from the grabbers the rich booty which they had acquired under the form of the law.

Douglas was a pioneer projector of a Pacific railway, and in a speech in the United States Senate, April 17, 1858, in advocating a Pacific railway bill he said: "I suppose that Kansas City, Wyandott, Weston, Leavenworth, Atchison, Platte's Mouth City, Omaha, De Soto, Sioux City, and various other towns whose names have not become familiar to us, and have found no resting place on the map, each thinks it has the exact place where the road should begin. Well, sir, I do not desire to have any preference between these towns; either of them would suit me very well; and we leave it to the contractors to decide which shall be the one. . . . I am unwilling to postpone the bill until next December. I have seen these postponements from session to session for the last ten years, with the confident assurance every year that the next session we should have abundance of time to take up the bill and act upon it. . . . I care not whether you look at it in a commercial point of view, as a matter of administrative economy at home, as a question of military defense, or in reference to the building up of the national wealth, and power, and glory; it is the great measure of the age—a measure, that in my opinion has been postponed too long." Douglas had made precisely the same complaint regarding the disappointing delays in the passage of his bills for organizing the territory of Nebraska, and in this speech he originated the idea which was carried out in the Pacific railway bill enacted in 1862, leaving the builders of the road to determine the route between the termini. This enterprise was pressed without cessation by Congress after Congress until the passage of a bill in 1862.

In the course of this speech, Douglas throws much light on the general question of the construction of the Pacific railway, as it was regarded at that time, and also on the efforts which had been made to carry out the enterprise. He began in a tone of deprecation and disappointment:

I have witnessed with deep regret the indications that this measure is to be defeated at

the present session of congress. I had hoped that this congress would signalize itself by inaugurating the great measure of connecting the Mississippi valley with the Pacific Ocean by a railroad. I had supposed that the people of the United States had decided that question at the last presidential election in a manner so emphatic as to leave no doubt that their will was to be carried into effect. I believe that all the presidential candidates at the last election were committed to the measure. All the presidential platforms sanctioned it as a part of their creed. . . . Various objections have been raised to this bill, some referring to the route, involving sectional considerations; others to the form of the bill; others to the present time as inauspicious for the construction of such a railroad under any circumstances. I have examined this bill very carefully. I was a member of the committee which framed it. I am free to say that I think it is the best bill that has ever been reported to the senate of the United States for the construction of a Pacific railroad. I say this with great disinterestedness, for I have heretofore reported several myself, and I believe I have invariably been a member of the committees which have reported such bills.

Douglas did not conceal his impatience with the "state rights" objection to the Pacific railway scheme. To evade this difficulty the measure was named a "bill to authorize the President of the United States to contract for the transportation of the mails, troops, seamen, munitions of war, and all other government service by railroad, from the Missouri river to San Francisco in the state of California"; and on this point Douglas said:

Some gentlemen think it is an unsound policy, leading to the doctrine of internal improvements by the federal government within the different states of the union. We are told we must confine the road to the limits of the territories and not extend it into the states, because it is supposed that entering a state with this contract violates some great principle of state rights. The committee considered that proposition, and they avoided that objection, in the estimation of the most strict, rigid, tight-laced, state-rights men that we have in the body. We struck out the provision in the bill first drawn, that the president should contract for the construction of a railroad from the Missouri river to the Pacific Ocean, and followed an example that we found on the statute books for carrying the mails from Alexandria to Richmond, Va.—

an act passed about the time when the resolutions of 1798 were passed, and the report of 1799 was adopted—an act that we thought came exactly within the spirit of those resolutions. . . . There is nothing in this bill that violates any one principle which has prevailed in every mail contract that has been made from the days of Dr. Franklin down to the elevation of James Buchanan to the presidency.

The present day imperialist may find more than a crumb of comfort in the high estimate which the great promoter of organization and transportation for the trans-Missouri region put upon the value of Pacific commerce:

Sir, if we intend to extend our commerce; if we intend to make the great ports of the world tributary to our wealth, we must prosecute our trade eastward, or westward as you please; we must penetrate the Pacific, its islands, and its continent, where the great mass of the human family reside, where the articles that have built up the powerful nations of the world have always come from. That is the direction in which we should look for the expansion of our commerce and of our trade. That is the direction our public policy should take—a direction that is facilitated by the great work now proposed to be made.

The select committees of the two houses agreed upon the form of a bill presented by Douglas in January, 1855.

This bill contemplated three lines, one from the western border of Texas to the Pacific coast in the state of California, to be called the Southern Pacific railroad; another from a point on the western border of Missouri or Iowa to San Francisco, to be called the Central Pacific; and the third from the western border of Wisconsin, in the territory of Minnesota, to the Pacific coast in Oregon or Washington, to be known as the Northern Pacific railroad. It is a curious fact that railroads were subsequently built substantially as indicated in this bill, and were called by the same names which Douglas proposed, except that the eastern part of the central line was known as the Union Pacific. These roads were to be built by the aid of subsidies of lands and bonds granted by the United States, but the bidders who were to construct them were required to agree to turn them over to the United States after a certain number of

years, and the roads were then to become the property of the several states through which they should pass. This remarkable bill passed the Senate in February, 1855, by a vote of 24 to 21. In the House it had almost as stormy a time as the Kansas-Nebraska bill had met with the year before, but it was defeated chiefly through the now chronic and insurmountable sectional difficulties. Salmon P. Chase was the author of the first Pacific railway bill which was passed by Congress in 1853, but it provided only for money to defray the expense of exploring routes for the proposed road.

The solicitude of democrats of the old school to avoid trespassing upon the "rights" of a state is illustrated in the remarks of Lyman Trumbull, then a democratic senator from Illinois, in the final debate on the act of 1862: "The northern boundary of Kansas is on the 40th parallel of latitude, and in case the points selected should be below that on the Missouri river, it would be necessary, in my opinion, to have the consent of the state of Kansas to the construction of the road."

Mr. Trumbull stoutly objected to the branch lines from the Missouri to connect with the main line, and he contended at the outset for having "one road from the Missouri river to the eastern boundary of California and to get rid of all the branches." Senator Harlan of Iowa, on the other hand, contended that it would be both discreet and just to give the four lines that were coming from the East to the Missouri river across the state of Iowa, as also roads "that are intended to form the connection at the mouth of the Kansas river," the benefit of a share in the proposed bounty, so as to make their connections in the most favorable way, and to secure or enhance their friendship for the main enterprise. Mr. Doolittle of Wisconsin seconded Harlan. He characterized the Union Pacific project as "the most gigantic work that was ever performed by man on the face of the earth, so far as any material work is concerned in the development of the world; there is nothing like it. I undertake to say that to build a Pacific railroad, unless you can combine the railroad interests to push it on, is an impos-

sibility." Mr. Trumbull was inclined to scoff at this solicitude, and reminded the senators from Wisconsin and California that he presumed they, like himself, "have experience enough to know that when \$16,000 a mile is given by this government and the lands for miles on each side of the road, these branches will not be built over the shortest route. This amount of money and land will more than pay for the construction of these roads in those localities. It will be a speculation to build them." Mr. Trumbull, in order to avoid the state rights difficulty, proposed that the road should begin at some point on the Missouri river, to be fixed by the President of the United States, between the 40th and the 43d degrees of latitude. In order to give the branch roads from the East a slice of the subsidy, this proposition was modified so as to fix the initial point of the line 250 miles west of the natural place for starting on the banks of the great natural river boundary between "the East" and "the great West" which was to be traversed.

Senator Wade of Ohio dropped into prophecy by the confident assertion as to the subsidy that "the government will never have to pay a single dollar of it. It is only a pledge of its credit for that amount; and yet some gentlemen would hazard an enterprise more grand, more magnificent, more beneficial, and more honorable to this nation than any other that ever entered into the conception of man."

The secession of the southern states facilitated the passage of the first bill, July 1, 1862, by ending sectional controversy of the same nature as that which had retarded the passage of the bill for the organization of the territory. This act provided for the construction of a road from Omaha to San Francisco. A California company already organized—the Central Pacific railroad company—was to build the road to the eastern border of that state, and a new corporation, the Union Pacific railroad company, was to build all the rest of the road. Besides this main line, the Union Pacific company was required to construct a branch from Sioux City, joining the main line at a point no farther west than the 100th meridian; and the Leavenworth, Paw-

nee & Western, afterwards the Kansas Pacific company, was required to build a line from Kansas City to a point on the Union Pacific no farther west than the 100th meridian. By the act of July 3, 1866, the Kansas Pacific company was permitted to join the Union Pacific at a point not more than fifty miles west of the extension of a line north from Denver; and under the act of 1869 the Denver Pacific line between Denver and Cheyenne was the result. While the land grant applied along the whole line from Kansas City by way of Denver, to Cheyenne, the bonds applied only to the distance originally intended to connect with the main line, which was fixed at 319 15/16 miles. The St. Joseph or Atchison branch was to be an extension of the Hannibal & St. Joseph line, and to be built by way of Atchison westward to some point on what is now known as the main line, but not farther west than the 100th meridian; or it might connect with the Kansas line upon the same terms as were given to the Union Pacific. Its subsidy was to extend only to the distance of a hundred miles, and so the road was built direct from Atchison west to Waterville, Kansas, and there ended where its subsidy gave out. The line to connect Leavenworth with the Kansas main line was built from the city named to Lawrence; but it was not subsidized.

By the act of 1862 a subsidy of alternate sections in a strip of land ten miles wide on each side of the track was granted to the Union Pacific road and its two principal branches—from Sioux City and from Kansas City—33,000,000 acres in all. In addition to this subsidy the credit of the United States in the form of United States bonds was loaned in the following amounts: For the parts of the line passing over level country, east of the Rocky mountains and west of the Sierra Nevada mountains, \$16,000 per mile; for the 150 miles west of the eastern base of the Rocky mountains and the like distance eastward from the western base of the Sierra Nevada mountains, \$48,000 per mile; and for that part of the line running over the plateau region between the two mountain chains named, \$32,000 per mile. These bonds ran for thirty years and drew six per cent interest,

payable semi-annually. They were not a gift, but a loan of credit, and were to be paid by the company to the United States at their maturity.

The capital stock of the company consisted of \$100,000,000 divided into shares of \$1,000. When 2,000 shares were subscribed and \$10 per share paid in, the company was to be organized by the election of not less than thirteen directors and other usual officers. Two additional directors were to be appointed by the President of the United States. It was also provided that the President should appoint three commissioners to pass upon and certify to the construction of the road as a basis for the issue of the bonds and lands. The line of the road was to begin at a point on the 100th meridian "between the south margin of the Republican river and the north margin of the Platte river, in the territory of Nebraska at a point to be fixed by the President of the United States after actual surveys." The company was also required to construct a line from a point on the western boundary of the state of Iowa, to be fixed by the President of the United States, to connect with the initial point of the main line on the 100th meridian. A race in construction was inspired by the provision that either of the two companies, the Union Pacific or the Central Pacific, might build past the specified place of meeting—the California boundary line—if it should reach the line before the arrival of the other. The act required also the construction of a telegraph line with each of these lines of railway.

The Union Pacific project was an incongruous and most unfortunate partnership between private and public interests, and from first to last political influences and considerations were vicious and demoralizing alike to the company and to the government. It is a great pity that neither private capital nor the federal government felt prepared to undertake the enterprise alone. There should have been distinct private ownership or distinct public ownership, and, in spite of our unpreparedness, relatively, for public business of this kind, the latter would have been better than the unnatural partnership or over-lordship.

At the end of two years Congress had been influenced to greatly change the terms under which the company had undertaken to build the road. By the act of July 2, 1864, the company was permitted to mortgage the road to an amount equal to the loan of the United States bonds, and the lien or security of the latter was subordinated to the mortgage; the land grant was doubled, and the reservation, in the first act, of coal and iron lands from the grant was given up; the number of directors to be elected was increased to fifteen and of government directors to five. The Kansas Pacific company desired, and doubtless expected to build its line southwesterly from Denver when it sought and obtained, through the act of 1866, release from the requirement to unite with the Union Pacific line at or eastward of the 100th meridian; but it was frustrated in this design by a provision in the same act that its line must join the Union Pacific within fifty miles west of Denver. By this provision the Union Pacific was fixed as the main line; and thus, finally, was settled a struggle for supremacy between partisans of the northern route and those of southern routes which had been openly begun by Douglas in the introduction of his bill of 1844 for the organization of Nebraska territory, and which was meant, as he said, as notice that this line of travel should not be further obstructed by being used as the dumping ground for southern, or other tribes of Indians.

While proposed southern routes from the Missouri river to the mountains were good, that of the Platte valley, in point of directness and uniform easy grade, was far the best; and political influences and economic conditions just then peculiarly reinforced nature in favor of the northern route. On account of secession, the southern interest had little or no influence in Congress, and the country chiefly tributary to the southern route was demoralized where it was not devastated by war. On the other hand, the great natural Platte river route was in direct line westward with the imperial tier of states of which Chicago had already become the commercial entrepot, and at least four trunk lines of railway from that great central point would naturally reach the

Missouri river north of the line between Iowa and Missouri and within reach of the influence of the Platte route magnet. The act of 1864 provided that any company having a line reaching Sioux City from the east might build the Sioux City & Pacific branch. In order to avail themselves of lands then more valuable than those lying across the Missouri, the builders, John I. Blair and Oakes Ames, kept the road on the Iowa side to a point opposite Blair, and then made the connection at Fremont. This branch was never a part of the Union Pacific system, and in 1884 it fell into the control of the Chicago & Northwestern railroad company.



THOMAS C. DURANT
Chief promoter, Union Pacific railroad

There was a bitter controversy in Congress over the passage of the amendatory act of 1864, and the opposition in the House was led by two eminent members, F. B. Washburne of Illinois, a republican, and William H. Holman of Indiana, a democrat. Mr. Holman demanded that provision should be made for carrying the property and troops of the United States free of charge, and he predicted that the government would get nothing more in return for its aid. Mr. Washburne was unsparing in denunciation of the bill, and especially of the famous section 10, which subordinated the government loan to the lien of the mortgage bonds. He denounced this change as "the most monstrous and flagrant attempt to overreach the government and the people that can be found in all the legislative

annals of the country." He questioned that there had been compliance with the provision of the charter limiting the stock held by one person to two hundred shares, or that some of the directors were bona fide holders of the amount of stock required by law, or of any stock at all; and he said that it was notorious that a single individual owned or controlled a majority of the stock. Then, warming to his subject, he continued:

While the government is liable for \$100,000,000 and has donated millions upon millions of acres of public land to this great work, yet this entire organization has gone into the hands of parties who have put in but a trifle over 1 per cent of the whole amount that the government is liable for. And the government is utterly without any controlling voice in the direction of this company, as it has but two directors out of the whole number. Does it not seem, therefore, that the government is "left out in the cold" in the arrangement as it now stands? But gentlemen point us to the long list of the present board of directors who are men of well-known integrity and of capital; but I desire to ask what number of these men of integrity and capital who appear in the list as directors are active and managing men, controlling and directing the action of the company? Such directors as General Dix, . . . have either resigned their positions or refused to take any part in the management of the affairs of the company, while the real management is in the hands of a set of Wall street stock-jobbers who are using this great engine for their own private ends, regardless of what should be the great object of the company or of the interests of the country. Who are the men who are here to lobby this bill through? Have the men of high character and of a national reputation, whose names were, at an earlier period, connected with this enterprise, been here animated by a commendable public spirit and by motives of patriotism, to ask us to pass this bill? I have not heard of such men being here for that purpose, but on the other hand the work of "putting the bill through," has gone into the hands of such men as Samuel Hallett and George Francis Train — *par nobile fratrum*.

The law of 1862 named 153 commissioners, distributed among twenty-four states and the territory of Nebraska, whose duty was merely to take the preliminary steps for organizing the company; and as soon as 2,000 shares of

stock had been subscribed, and \$10 per share paid in, the commissioners were to call a meeting of the subscribers, who should elect the directors of the company. The commissioners named for Nebraska were Augustus Kountze, Gilbert C. Monell, and Alvin Saunders of Omaha; W. H. Taylor of Nebraska City; and T. M. Marquett of Plattsmouth. It is worth noting, as an illustration of a phase of political conditions at that time, that these commissioners from Nebraska were all active politicians of the republican party. The names of the commissioners were supplied largely by the members of Congress from the various states and Senator Harlan of the adjoining state of Iowa was active in promoting these preliminary arrangements. By the 29th of October, 1863, 2,177 shares of stock had been subscribed, and the company was organized by the election of thirty directors and of John A. Dix, president; Thos. C. Durant, vice president; Henry V. Poor, secretary; and John J. Cisco, treasurer. These officers were all residents of New York. Augustus Kountze was the Nebraska representative on the elected board of directors.

Cautious capital merely played about the tempting subsidy bait, and "this most gigantic work that was ever performed by man on the face of the earth" was begun, and pushed for some months, on a paid-up capital of \$218,000. "The crowd" waits on the hither side of the Alpine barrier which crosses the way to most great discoveries and unusual achievements; and they have been accomplished when some unusual man steps out and declares, "There shall be no Alps." Thomas C. Durant of New York was the intrepid financial founder of the Union Pacific railroad. He subscribed his own means and induced his friends to subscribe by agreeing to assume their subscription if they should become dissatisfied with their investment; then he proceeded to build the road, and ground was broken at Omaha, December 2, 1863. In its momentous promise this ceremonial stands as the great event of Omaha history. While the realization, too, has been great, it has yet been disappointing, because neither the keen vision of the projectors of that noble enterprise nor

the sharp insight of the pioneer citizen foresaw the vicissitudes through which it was destined to pass to completion and through subsequent operations, or, in particular, the comparatively early invasion of Union Pacific territory, in Nebraska and elsewhere, by those very lines from the east which were counted on as its feeders, and which have divided the expected imperial commercial prestige of the terminus by building up formidable rivals. The keenest business vision could not foresee, nor could the liveliest imagination picture the prodigies which the new-born agency of steam and electricity, in the hands of American daring and skill were so soon to perform. It was indeed incomprehensible that before this miracle of the first transcontinental road should have developed into good working order the building of rivals would become a commonplace occurrence.

At the ceremony of breaking the first ground, A. J. Hanscom presided. Mayor B. E. B. Kennedy, Governor Saunders, and George Francis Train used the shovel, and these three, and also Dr. Gilbert C. Monell, Andrew J. Poppleton, Augustus Kountze, and Judge Adam V. Larimer of Council Bluffs made speeches. Congratulatory dispatches were read from President John A. Dix, Vice President Dr. Thomas C. Durant, Abraham Lincoln, President of the United States, by John Hay, his secretary; William H. Seward, secretary of state; George Opdyke, mayor of New York; J. M. Palmer, mayor of Council Bluffs; and Richard Yates, governor of Illinois. Brigham Young, then beginning to be imperator of a great industrial people, sent this message: "Let the hands of the honest be united to aid the great national improvement." The shrewd Mormon foresaw the immense enhancement of property values which would follow the passage of the road through the city of which he was founder and virtual proprietor. He gave his full share of aid in construction, through the brawn of his followers, until he saw that the company was bent on giving his city the go-by, and then, at the critical point in the great race, he withheld his aid till he saw that the Central Pacific, too,

intended to reject his suit, and he must be content with a stub connection from Ogden.

That there was no lack of appreciation of the momentous significance, to Omaha especially, of the formal opening of this great highway is shown by the address of Mr. Poppleton.

A few days after the delivery of this address Mr. Poppleton was engaged, through Mr. Peter A. Dey, chief engineer, as attorney for the Union Pacific railroad company. This small beginning developed into the general solicitorship of the company, which office Mr. Poppleton held until the date of his resignation, February 1, 1888.

The *Nebraskian* tells us that Train closed the exercises with "the raciest, liveliest, best natured, and most tip-top speech ever delivered west of the Missouri"; and then the editor speculates in this strain: "An encyclopedia of all knowledge, a walking library, a modern miracle is G. F. T. Is he played out? Has he gone to seed? What is to be the future application of his brilliant talents? These are questions which Mr. Train should seriously and solemnly ponder. . . . He has visited all the countries of the world, and, having a prodigious memory, has probably a larger fund of available practical knowledge than any man in America; and he is still a young man—but thirty-three years of age. The Train of ideas sometimes lacks the coupling chains."

The Union Pacific company filed its assent to the conditions of the act of Congress on the 27th of June, 1863, and the immediate promoters of the road plunged into the solicitude and struggle for the completion of the first 100 miles within the two-years limit of the act. They were further troubled by the provision of the amendatory act of 1864 which permitted the Kansas company to continue its line to meet the line of the Central Pacific, if, when it should reach the 100th meridian, "the Union Pacific shall not be proceeding in good faith to build the said railroad through the territory." The act provided that when the three commissioners appointed by the President should certify that forty miles of the road were built and equipped, the proper

amount of bonds and the proportionate amount of the land grant should be issued to the company. In the spring of 1864 Durant began the great task of building this section. The small paid-up stock subscription and the proceeds of a credit of over \$200,000 were soon exhausted, and such parts of the stock of building material and rolling stock as could be temporarily spared were sold, so that construction might proceed. The lucid statement of Peter A. Dey, the widely known engineer, contains information and explanation, needed at this juncture. This first survey of Engineer Dey's was abandoned after a considerable sum—probably more than a third of the first paid up capital—had been expended on its somewhat difficult grade, and its substitute, the devious ox-bow route, was used for years, with all the disadvantages of a bad grade of about three miles, until the Lane cut-off was built. When the first forty miles of the road should be completed the federal government would lay and bestow its first golden subsidy egg. On the plea of necessity, on the 4th of May, 1864, a committee was appointed on the part of the company to contract for finishing 100 miles of road. Though the act of July 2, 1864, doubling the land subsidy, followed in the meantime, Durant, on the 8th of August, received from H. M. Hoxie a proposition for the famous, or notorious, contract by the terms of which he was to build the 100 miles for \$50,000 per mile; and on the 4th of the following October the contract was extended to cover the whole line to the 100th meridian—247.45 miles.

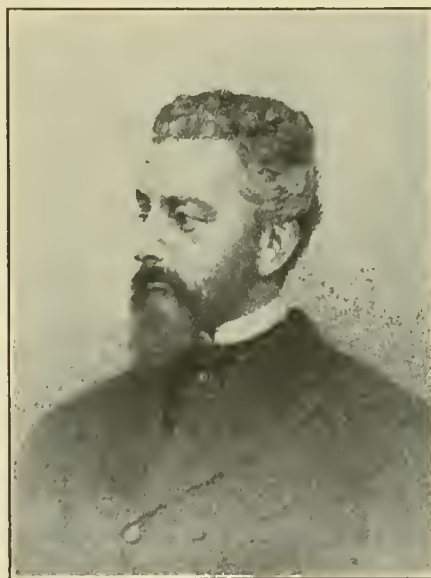
The "Defense of Oakes Ames"—remarkable for its skillful presentment and impressive eloquence—which was read in the House of Representatives, February 25, 1873, opens with a clear statement of conditions which led up to this contract. Though this defense was ostensibly the Credit Mobilier sponsor's personal plea, it was written by Andrew J. Poppleton; and though, being the attorney of the Ames interests, he may not have been wholly impartial, yet on account of the local viewpoint of its author the statement is very useful for the present purpose.

While Durant was the practical beginner of the Union Pacific road, and but for his determined spirit and financial resources its actual construction would have been long delayed, yet the weight of opinion is that he regarded the enterprise as the exploit of the builders, and had neither confidence nor interest in it as a practicable highway; and so he sold his interest in the company immediately after the two lines were joined at Promontory. He is therefore persistently charged with treating its resources during the construction period as an orange which is made to be sucked. Hoxie, who was an irresponsible employee of the company which operated the ferry between Council Bluffs and Omaha, had agreed, before the extension of his contract to include 247.45 miles, to turn it over to Durant and his friends; and in October, 1864, Durant subscribed \$600,000, Cornelius S. Bushnell, \$400,000, Charles A. Lambard, \$100,000, Henry S. McComb, \$100,000, and H. W. Gray, \$200,000, toward carrying out the contract which they assumed. But just as responsible financiers lacked confidence and courage to subscribe to the enterprise at the outset, so these friends of Durant lost courage when they came to realize the tremendous liabilities they, as partners, had incurred, and some of them refused to pay more than the first installment of their subscriptions; and again the enterprise hung on the single thread of Durant's superb nerve. In the meantime construction lagged and hope long deferred made sick the hearts of the expectant beneficiaries of the road in Nebraska.

The most important and exciting episode in the building of the Union Pacific railroad as affecting Nebraska interests, was the change from the nearly direct route from Omaha to the Elkhorn river in favor of the curve, or ox-bow line down the Mud creek valley nearly to Bellevue, and then northwest following West Papillion creek to a point of convergence with the original line, between four and five miles from the place of crossing the Elkhorn. The point of divergence from the original route is three miles west of the starting point in Omaha: from the diverging point to the point where the lines again converge is

fourteen miles; by the ox-bow line the distance between these two points is increased by nine miles. At the outset, Peter A. Dey, engineer in charge of construction, surveyed six lines out of Omaha, and in a letter to Colonel Simpson July 12, 1865, he described them as follows:

1st. From the mouth of the Platte river, follow the valley; 2nd, from Bellevue up the West Papillion; 3rd, the south or located line from Omaha west; 4th, the north line from Omaha, up the Military creek, down Saddle creek into the Papillion, up its valley to a point nearly east of Fremont, and down Plum



SILAS SEYMOUR

Consulting engineer Union Pacific railroad

creek to the valley of the Platte; 5th, from Florence westerly; 6th, from a point on Fish creek, between De Soto and Cuming City, and across into the fourth line.

On the 4th of November, 1864, President Lincoln approved of the location of the first 100 miles of the line in accordance with the authority of the act of Congress of 1862. On the 6th of April, 1865, the Union Pacific company formally decided, without permission or approval of the President, to abandon the original line and adopt the ox-bow line. On the 12th of May President John A. Dix made formal application for approval of the change of route to the President of the

United States. In this application Mr. Dix stated that the company had expended about \$100,000 toward building the original line west of the point of divergence and which had been abandoned, and about \$250,000 on the new line; and that the company was then expending about \$2,500 a day on the amended line. This was not the only important instance in which the company first appropriated what it wanted and afterwards asked permission of the federal government, its ostensible master, to do so. With this request was filed a report in its favor by Silas Seymour, consulting engineer of the company, and a favorable letter by Jesse L. Williams, a government director and member of the locating committee. Seymour found that the maximum grade westerly to the point of divergence was 66 feet per mile, and as this portion of the line—about three miles—“is now nearly graded, it is not proposed to change it at present, but it is assumed that it will be changed hereafter to conform with the maximum grade that may be adopted in ascending the valley of the Papillion.” Mr. Seymour calculated that it would cost \$144,490 more to construct the 14.2 miles on the original line between the points of divergence and convergence than to build the 23.2 miles of the new line between the same points. He contended also that the company would be justified in adding 100 per cent to the length of this portion of the road in order to secure a maximum of 40, instead of 66- and 80-foot grades per mile, assuming an equal cost of construction for the two lines. Mr. Dey in a statement made to Colonel Simpson, July 12, 1865, pins Seymour to this plausible proposition: “It seems to me that this question should have been stated (as an examination of the profile shows the grading to be done on the line Mr. Seymour advises) whether, with the maximum grades of 66 feet going west, and 79.2 going east on either side of this divergence, it would be expedient for the company to increase the length of their road 9 miles in going 14 to get rid of the light grades on portions of the intermediate 14 miles?” And then he proceeds:

On page 4 of Mr. Seymour's report he

uses the following language: “The maximum grade ascending westerly between station no. 0 and station no. 150, the proposed point of divergence, is also 66 feet per mile; the portion of the line is nearly graded, and it is proposed not to change it at present, but it is assumed that it will be changed hereafter to correspond with the maximum grade that may be adopted in ascending the valley of the Papillion. This question is reserved for future consideration. With a view, however, to such future change it is recommended that for the present as little money as practicable be expended in grading the valley of Mud creek, between station 150 and a point where a line with moderate grades in both directions would naturally leave this valley to enter the valley of the Missouri river.”

I can interpret this language, guarded as it is, in no other way than that Mr. Seymour advises the company to use his route for the present, and until the business of the road is increased sufficiently to require lighter grades, then to make the eastern outlet at or near Bellevue.

If this be the legitimate meaning, it is clear that the eastern part of his line is merely a temporary accommodation to Omaha, and the whole line out of any fair comparison, except as a part of a line from Bellevue to the Elkhorn river, and the discussion must come back to the located route from Omaha and the line from Bellevue.

On these lines, before the company had taken any action, I committed myself most unequivocally, as an engineer, in favor of the latter, as you will see by reference to my report.

If the company erred in their location, it was with the facts fully before them; how far outside influences, importance of points interested, political considerations, prospective eastern connections, or other causes weighed with them I can not tell.

The location was filed, and the business interests of western Iowa and Nebraska began to accommodate themselves to it; then the change was ordered. Its effect has been to unsettle everything, and leave a deep feeling of distrust as to what may follow.

It makes comparatively little difference how questions of this kind are settled provided that when done they are settled permanently; and although a change of terminal point and route would work financial ruin to many men, and render property in these towns utterly valueless, yet the enterprise and energy that have built on the frontier Council Bluffs and Omaha, under so many disadvantages, will in

a few years build up other points equally important at the terminus of the road.

On the 12th of December, 1864, Mr. Dey had written to Durant in this pointed fashion:

I have a letter from Mr. Seymour criticising our location from Omaha to the Elkhorn river, and making suggestions at great length. His earnestness is further evinced by a telegram sent a few days after his letter was mailed, urging an immediate and full answer from me. This part of the road was located with great care by me. You even animadverted on my going into the field personally to examine the proposed lines; you also promised to have the lines scrutinized by a committee of engineers nearly a year ago.

The line as located by me has been approved, and the location has been acted upon for a year. It is too late, after spending so much time and money on the construction, to go back and consider relative merits of this and other lines. The present location is right, unless it is desirable for the company and government to make a longer road, more bridges, heavier excavations, and spend on twenty miles the money which should be expended on one hundred miles of road. Your views favored the economical policy, which was certainly the true policy of the company. I acted upon it deliberately and, as I still think, wisely.

In view of the decided advantages of this route and the expenditures already made, it is in my opinion altogether out of the question to modify the location to meet the undigested views of Mr. Seymour, who can not know the relative advantages of one route over another, because he has not been over the country, and, from the tenor of his letter, not even examined the profiles in the New York office.

Accordingly Lieutenant-Colonel Simpson, of the corps of United States engineers, was promptly detailed to make an examination of the routes in question. Simpson's thorough and evidently honest report exposes a palpable trick of Seymour's:

The ruling grade on the new or amended portion, ascending westward between the points A and B, is 40 feet to the mile, and can easily be reduced to 30 feet; ascending eastward 40 feet to the mile, and can easily be reduced to 30; leaving on the portion common to the two lines an ascending westward grade between Omaha and the point A of 66 feet to the mile, and between the points B and C an ascending eastward grade of 79.2 feet to the mile.

Now as Colonel Seymour, in his argument accompanying this report, marked appendix A 10, *assumes* a ruling grade of 40 feet on the whole extent of the new or amended line, extending from Omaha to the Elkhorn, and as at the time of my examining this line he had practically obtained this 40 feet grade only on the portion of the line between the points of divergence and convergence, A and B, and *not* on the portions common to both the old and the new line of location, I directed an instrumental survey to be made under Mr. D. H. Ainsworth, civil engineer, to ascertain the practicability of obviating the objectional grades in the manner suggested by Colonel Seymour; that is, by a line from Omaha down the Missouri valley for a distance of 2.75 miles, and thence ascending the bluff by a ravine, and connecting with the Mud creek route at or near station No. 421.

The map and profiles of this route, which have been submitted to me, show that, without any unreasonable expense, a grade of 30 feet ascending westward and the same grade ascending eastward can be obtained, with a shortening of the distance between Omaha and the point of intersection with the Mud creek route 66/100 of a mile.

On the 23d of September, 1865, Secretary Harlan made the following report to the President:

I have the honor to submit, herewith, the report, map, and profiles of Lieut.-Colonel J. H. Simpson, corps engineers, appointed to examine and report in relation to the application of the Union Pacific railroad company for an amended location of a portion of the route of their road between Omaha City, Nebraska, and the valley of the Elkhorn river.

Colonel Simpson has given this matter a thorough investigation both on the ground and in the office, and has arrived at the conclusion that the line which the company have proposed and pledged themselves to build, extending from Omaha *down the Missouri valley*, and across the river bluff to Mud creek and Papillion valley (route No. 3) at or near station 421, and thence on said route to the valley of the Elkhorn, as shown on the accompanying map, with ruling grades of 30 feet, ascending westward and eastward, is 15 per cent better than any other route that can be obtained westwardly from Omaha, and therefore the best for the country which the company could build.

The President approved the report by the following endorsement:

The abandonment asked for by the Union

Pacific Railroad Company of the original location of their road between Omaha and the valley of the Elkhorn, called No. 1 in Colonel Simpson's report, with the adoption of No. 3, or Mud creek route, is approved on the express condition that the company amend said No. 3 line to make it conform to the Missouri valley or No. 4 route, with ruling grades ascending westward and eastward, of 30 feet to the mile, as they propose.

Colonel Simpson's report declared that "route No. 3 [the ox-bow route] is 19 per cent inferior to original route No. 1; route No. 4 is 15 per cent superior to original route No. 1; route No. 5 is 40 per cent superior to original route No. 1." No. 4, it will be observed, followed down the Missouri river, so as to avoid the 66-foot grade out of Omaha, and passed through a gap in the bluffs about four miles below Omaha. Seymour, in his letter to Simpson, August 29, 1865, arguing for the change, said:

On leaving Omaha for St. Joseph, by steamboat, I took occasion to examine from the pilot house the bluffs between Omaha and the mouth of the Papillion, for the purpose of ascertaining whether there were any depressions between those points, through which a line could pass, with low grades, between the Missouri and Mud creek valleys, and I became satisfied that it could be done. The opinion was then formed that a very palpable engineering mistake had been made, either in fixing the terminus of the road at Omaha, or in the location of the line between Omaha and the Platte valley.

In the same letter Seymour anticipates Simpson's exposure of the evasion of the real question of the heavy grades common to both routes — No. 1 and No. 3 — in his own report:

It should be borne in mind, however, that the change in location and grades between stations 150 and 900 was not all that was specified, either in my report or the letter of Mr. Williams, as being necessary for the company to do before realizing the advantages claimed for the new route by reason of the reduction of the maximum grades to 40 feet per mile in each direction.

The grading, then nearly completed, between Omaha and station 150 was to be used only temporarily; and it was recommended "that for the present as little money as prac-

ticable be expended in grading in the valley of Mud creek, between station 150 and the point where a line with moderate grades in both directions would naturally leave this valley to enter the valley of the Missouri river." The line referred to, "with moderate grades in both directions," was the route heretofore alluded to, as passing through the depression in the bluffs between Omaha and the mouth of the Papillion, and which I assumed would, as a matter of course, be adopted hereafter by the company.

It was also stated in the report that the grade of 80 feet per mile, near the Elkhorn, must hereafter be reduced to 40 feet per mile, either by a slight change in the location, or by deepening the excavation and raising the embankment upon the present location.

Simpson's concise and conscientious summing up is an intensely interesting and suggestive contribution to the story of the Union Pacific road as it affected Nebraska.

Government Director Jesse L. Williams made rather more of a mess of the case than Seymour had done. He sought to reduce the west end eighty feet grade by arguing that it was not as important as it seemed, because two-thirds of the tonnage would go west, for which the heavy grade in question would be down hill. The east end grade is left to the fortune of the future:

The cost of construction is considered equal — the expense of changing the first five or six miles from Omaha running down the river, to be done at a future day, to get a 40-foot grade throughout, off-setting the estimated saving west of the point of divergence.

It must also be stated that the full advantage of the lower grade on the new route will not be realized until the change alluded to in the last paragraph shall have been made. Without this change there is still near three miles of high grade, ascending westward from 61 to 66 feet per mile, to be overcome, mitigated somewhat in its inconvenience by being at the beginning of the road where assistant engines can at all times be in readiness.

Mr. Seymour, in his ardor to serve Durant, gratuitously undertakes to put his strenuous superior in an attitude toward the proposed change which he refuses to assume. In his letter to Simpson Seymour says:

It may also be proper to state in this connection that Mr. T. C. Durant, vice-president,

never to my knowledge, advocated the change in location, either in or out of the board of directors. On the contrary, he seemed to be reluctantly forced into a passive assent to the change by the weight of the argument in its favor, and the judgment of the government directors, together with the advice of Mr. Usher, then Secretary of the Interior, who happened to be in the office of the company when the matter was under discussion, and represented to the board that the President, Mr. Lincoln, would undoubtedly favor the change.

The matter, however, was never submitted to Mr. Lincoln for his approval before his death, nor was it officially laid before the Interior Department until the day fixed for the retirement of Mr. Usher as secretary.

In the early part of February, 1865, the people of Omaha and Council Bluffs became greatly alarmed over indications and rumors that the terminus of the road would be changed to Bellevue, and on the 3d of February Augustus Kountze of Omaha telegraphed Durant as follows: "Citizens here will fill all agreements in relation to right of way and donations except a very few, particularly if assured by you that change of location to Sarpy county will not prejudice the interests of Omaha in regard to eastern counties. Can you give such assurance?" To this Mr. Durant replied: "The line has been changed to avoid heavy grades, not with intention of interfering with terminus." But Enos Lowe and Dr. Gilbert C. Monell, as a committee representing the citizens of Omaha, in their statement to Colonel Simpson say:

These high grades on which he proposes to build the line as first located are not the grades determined by Mr. Dey, and contracted for at \$50,000 per mile but a maximum grade of 116 feet to the mile. The latter alternative was stated by Colonel Seymour, the consulting engineer, to a committee of inquiry in Council Bluffs, and also to this committee. In other words, unless Congress would compensate for the 9 miles of curvature he would comply with the charter and build the straight line from Omaha, but on such a grade as to render it useless. This end was to be attained, as we are also informed, by extending his 9-mile curvature to Bellevue. Buildings such as are usually erected at the terminus were to be erected twenty miles west of Omaha, near the Elkhorn river, at which place he proposed

to divert the great national highway of the nation from its central connections to be a side feeder to his own schemes. Even yet wishing to reconcile this matter if possible Mr. Durant was again addressed as follows: "If the new route is made, will you go on with building at Omaha, and make this the only point of crossing the river? If so citizens of Omaha will aid you on the new line." He replied: "We will consult the interests of the road whether citizens of Omaha aid us or not. We have had enough interference. You will destroy your last chance for a connection. The line west will do you no good. I can connect the Mississippi and Missouri with the Cedar Rapids road and run to De Soto for a million dollars less than go to Omaha."

Owing to some mismanagement, the freight agent of the Pacific road at Omaha had been informed that the boats loaded with iron had left St. Louis for Omaha, and to receive the freight. Having no notice of any change of intention, he could not receive at Bellevue or pay freight there. It was consequently landed at Omaha, and the construction of the road is now apparently commenced here. In view of this whole procedure we can see nothing but a covert design to change the terminus for speculative purposes.

Then the committee's statement proceeds:

Shortly after this, however, works contracted for here were suspended, the preliminary steps taken to remove the same to Bellevue. Boats loaded with iron, on their departure from St. Louis, were ordered to land at Bellevue. Mr. Durant was again addressed and informed of our increased alarm, and assured that we would not oppose the new route if work was resumed at once here, and we could have his promise of its performance.

On the 6th of September, in a letter to Simpson and Harbaugh, Durant replied to this aggressive attack with a bold, defensive broadside. At the dictate of necessity, which knows no law, he undertook to wholly discredit Dey, his former engineer, and his work: "Let me ask you, who have examined the ground and have all the facts, how can a man with ordinary sense expect a corporation to place any reliance upon his statements, or the least confidence in his ability, who deliberately makes a report to his employers so utterly at variance with the facts as they actually exist, or look upon any of his opinions except with distrust?" He charges that Dey "was in the

employ of interested parties in Omaha, laboring to thwart the honest endeavors of the company to do their duty"; and then he proceeds to tangle himself up in statements quite inconsistent with the facts and concessions of Simpson's and Seymour's reports:

The object as really entertained, and publicly avowed by the company, was, by lengthening the line about 9 miles, to change the ruling grades from 80 to 40 feet per mile between Omaha and the Platte valley. The subject of a change of terminus has never been discussed or even suggested in the board of directors in connection with this subject; neither has it been alluded to in the report and recommendations made by the company's engineers. The surveys that have been made since the change was decided upon by the company have demonstrated that the new route is susceptible, at a very slight comparative expense, of being still further improved. Whereas it is deemed entirely impracticable, except at an expense which even the promotion of the private purposes and interests of the property-holders and citizens of Omaha that are represented by this committee would scarcely justify, to reduce the maximum grade upon the old location very much, if any below 80 feet per mile.

In this lengthy statement Durant includes copies of telegrams which he had sent from time to time during the controversy. On the 1st of June, 1865, he telegraphs the following order to Jacob E. House, who was in charge of construction at Omaha: "Make arrangements for temporary track from Bellevue to Junction without regard to grade, which can be changed when permanent location is made, secure place for saw-mill and Burnetizing machine at Bellevue. Do no work north of junction. We have no time to lose, and must commence at Bellevue as our only alternative to save enterprise."

On the same day he telegraphed to Edward Creighton of Omaha: "Omaha is all right. Mr. House has my reason for making the change, which I regret as much as you do. If Secretary Harlan insists upon old location we submit, but shall build from Bellevue first and finish line on old location thereafter, if Congress does not release us from it. We shall lose business on high grades, and must cross river elsewhere; consequently need no

buildings at Omaha." On the 9th of June he sent to Mr. Creighton a message still more threatening: "Shall make no promises as to crossing the river. We had made our arrangements to build at Omaha. We have had enough interference. We shall consult the interests of the road whether the citizens aid us or not. I should recommend, however, that you do not oppose new location; for if old line is adopted, Cedar Rapids road will cross at De Soto and Missouri & Mississippi road will connect (with) that. The only chance to prevent this is a reduction of grades. It will cost one million dollars more to complete the road through Iowa, via Des Moines to Council Bluffs, than to build to Cedar Rapids. Your people and papers will destroy the last chance you have, for the terminus of our road at your place will not help you if there is no road to connect east. If any more obstacles are thrown in the way, we shall make application to the President to change the terminus."

In reply (June 10th) Creighton stated the Omaha ultimatum: "The people here will be satisfied with Mud creek route, if Bellevue movement is abandoned and permanent buildings be erected here at once. Omaha must be the only point of connection with the Missouri river; without this there will be trouble."

Durant then proceeded, in a fairly propitiatory tone, to furnish from his point of view some very interesting history of the transaction.

Mr. Durant also offered as a palliative a sort of non-committal approval of Colonel Simpson's recommendation, and which was adopted as an alternative in the President's consent to the change to the Mud creek route:

This company has never claimed nor represented that the amended location asked for embodies at the present time all the advantages that may be attained over the original location, as about three miles of the old line west of Omaha was embraced in the amended location on account of the work on the same having been nearly completed when the change was made, on which there is a maximum grade greater than 40 feet. They do represent, however, and claim that the amended route, which is far superior with its present grade, is easily and at a very slight compara-

tive expense susceptible of being still further improved so as to embody all the advantages claimed for it, while the original can never, within any reasonable limit of expenditure, be so far reduced in grade as to make it a desirable connection for the railroad east of the Missouri river.

By adopting the line recently surveyed by Mr. Ainsworth down the Missouri bottom a short distance and across to the Mud creek route, which can be done at a reasonable cost, trains going west will have only a maximum grade of 30 feet to overcome, while coming east can use the present descending grade on the first three miles west of Omaha, thus giving all the advantages of a double track.

The *Omaha Republican*, in the course of a column of excited comment on the report that the company had issued orders to remove all workmen and depot buildings from Omaha to Bellevue, said:

The charter of the company provides that the initial point of the road shall be fixed by the president of the United States "from some point on the western boundary of the state of Iowa," and that the line of road "shall run thence west on the most direct and practicable route to be approved by the President of the United States to the 100th meridian of west longitude." The President fixed the initial point in Iowa "opposite section 10, township 15 north of range 13, east of the 6th principal meridian, in the territory of Nebraska." This point is about one mile north of the foot of Farnham street.

The *Republican* then relates that the company proceeded to locate its line from this initial point west to the 100th meridian, and then, in accordance with the law, the secretary of the interior immediately withdrew the public lands fifteen miles on either side of this line from sale or preëmption. Then the company undertook to deflect the line so as to lengthen the distance ten miles to the Elkhorn river, but the President and secretary refused to allow this change. On the 16th of June, 1865, the *Republican* reports thus: "Orders were received this morning from New York to resume work in every department of the Union Pacific at Omaha. We trust we have seen an end of the game of 'fast and loose.'" In its issue of August 4, 1865, the *Republican* avers that the ox-bow deflection, increasing the distance nine miles in fourteen, would put

\$300,000 into the coffers of the company. On the 6th of September the same journal relates that P. W. Hitchcock and Joel T. Griffen, through J. M. Woolworth, their attorney, had applied to Chief Justice Kellogg, of the territorial supreme court, for an injunction restraining the Union Pacific company from entering on land owned by them for the proposed construction of the ox-bow line, on the ground that it had already exhausted its rights by the first location. The court denied the writ, giving several evasive reasons, one of them that the company had good reason to believe that the new route had been approved by the President. It was in fact approved, conditionally, about two months later.

The continuing misapprehension, misunderstanding, and misconception of the newer West by the older East is illustrated by a statement of the *New York Evening Post* that the change to the ox-bow route was recommended by the engineer of the company, "who, after exploration of the surrounding country, discovered a mountain pass a few miles to the southward of the first route surveyed, through which the road can be run," meaning the road over the upland prairie to the historic Mud creek, pointed out in Colonel Simpson's recommendation of route No. 4.

In addition to the domestic embroilment about the starting point and the route of the road immediately from the river, in the latter part of 1865, the press of the territory, without regard to party, expressed great alarm lest the road should be entirely diverted to the Smoky Hill route, and statehood was urged for the sake of commanding political influence in Congress to further aid in averting such a calamity.

In the fall of 1865 the great project was again revived by the intervention of the Ames brothers and the invention of the Credit Mobilier scheme; and while the new men and the new expedient must be credited with successfully performing the great task, they also must be held responsible for making the work known chiefly as a grievous public scandal. The Credit Mobilier was a construction company organized by and of the stockholders of the railroad company. It met two indis-

pensable conditions, namely, being a corporation its members were liable only to the amount of their subscription, while before it was resorted to, the gigantic work had been undertaken by the dangerous partnerships then in vogue; and its stockholders had the double chance of profiting by the construction of the road as well as by the value of the road itself.

The detailed story of the participation of a large number of eminent members of Congress in this *Credit Mobilier* speculation, and of their inability to wash their hands of the stains of the illicit manipulation of its shares distributed by Ames, may not be repeated appropriately on these pages, though our commonwealth was the main theater of the Union Pacific drama of which this *Credit Mobilier* incident was the most dramatic episode.

On the highest ground traversed by the Union Pacific road commercial sentiment has reared a gigantic shaft in recognition of Oakes Ames's lofty achievement. He is thus judged by the business standard. In the report of the Poland committee of investigation, Ames is adjudged guilty of bribery of his fellow members of the House of Representatives, and his expulsion is recommended; on the records of the House his censure still stands, and it is tolerably certain that the grave opened prematurely to cover his own sense of disgrace. He is thus judged by the standard of public ethical sentiment. Much has been said in complete exculpation of Ames, and much also in palliation of his offense, but, from a proper ethical point of view, without avail. The admitted circumstances of Ames's parcelling of blocks of *Credit Mobilier* stock among members of Congress absolutely precludes apology, and cannot be explained away. But the splendid defense of Ames, forensically speaking, by an eminent citizen of Nebraska, — Andrew J. Poppleton — lends peculiar interest for Nebraskans to this tragical episode of the building of the great highway. The scholars and orators of those early days, who were chiefly confined to the members of the legal profession, thought, studied, and spoke upon erudite themes, and their style was patterned after the classic masters of legal and

general oratory. Since that time the universal currency or flood of literature and drama has necessarily accommodated itself to the universal taste or capacity, and so seems disproportionately light. Edmund Burke was the topic of one of Mr. Poppleton's public lectures, and this defense shows the influence of that master of eloquence upon his style. The defense is also pervaded with the most skilful insinuation of the martyrdom of the accused — that the extraordinary end sought involved or justified extraordinary means for its accomplishment — which is a reminder of the pleas in behalf of Warren Hastings and Lord Clive.

George Francis Train, who had been everywhere, and with quick but erratic vision had seen everything, had learned of the prodigies in "promotion" performed by the *Credit Mobilier* of France, which was chartered in 1853. In 1864 Train acquired the charter of the Pennsylvania agency, and, building better than he knew along the line of consistency, had the name changed to "The *Credit Mobilier* of America." The subsequent career of the original was utterly ruinous, and its ways were as devious and scandalous as those of its namesake.

Stockholders in Durant's construction company exchanged their shares for *Credit Mobilier* stock according to the amount they had paid in; and the holders of the \$2,180,000 Union Pacific stock were allowed to take *Credit Mobilier* stock in exchange for it, according to the amounts paid in. The Hoxie contract, covering the 247 miles to the 100th meridian, was assigned to the *Credit Mobilier*, and Durant made a contract with one Boomer — an irresponsible though remarkably appropriate name — for the construction of .153 miles west of the 100th meridian, at \$19,500 a mile to the crossing of the Platte and \$20,000 a mile beyond that point. When the Union Pacific directors undertook to pay the *Credit Mobilier* for fifty-eight completed miles of this road, at the rate of \$50,000 a mile, Durant protested against the swindle, and an injunction from a New York court finally prevented it. Then the directors made a contract with John S. M. Williams for the construction of 268 miles

westward from the 100th meridian, at the rate of \$50,000 a mile, and again Durant enjoined its performance. The Hoxie contract was completed to the 100th meridian by October 5, 1866, and by August 16th of the next year 188 miles more were completed, thus carrying the work within thirty-seven miles of the west boundary of Nebraska.

About this time the New England faction, led by the Ames brothers, forced Durant out of the Credit Mobilier directory, and Sidney Dillon was elected its president in place of

profits which the Credit Mobilier, the real builder of the Union Pacific road, realized on its work, but they were probably not less than \$16,000,000 — more than twenty-five per cent; nor, considering all the circumstances, should it be said that this profit was too large. It can only be said that if the federal government and the company had been capable, economically and morally, of properly performing their duties, there would have been a great saving of cost in money and in the good name of all concerned.



Engraving furnished by E. L. Lomax, general passenger agent Union Pacific railroad.

DRIVING THE LAST SPIKE AT PROMONTORY, MAY 10, 1869

Durant. In August, 1867, the differences between the factions were compromised, and the famous contract with Oakes Ames was made for the construction of 667 miles west of the 100th meridian, and which gave Ames the option of extending it to Salt Lake. Under this contract and a subcontract with James W. Davis for the remainder beyond the limit of 667 miles, the great work was completed to the meeting at Promontory, May 10, 1869.

It is impracticable to ascertain accurately the

To him who studies the construction of the first Pacific railway in the light of present methods of railway building, the men who put through this great enterprise seem immeasurably extravagant if not corrupt. Those who suffered from their manipulations of the leading railway properties of the West are pretty sure to call them corrupt. But to him who looks at the railway history of the country as a whole, the building of the first railway to the Pacific appears as a mere episode, to be measured by quite different standards. Such an one will, of course, regret that extravagant

and questionable methods were used, but he will not visit upon the managers of this work unqualified condemnation, as so many have done.

The first rail of the Union Pacific, and so the first railway track in Nebraska, was laid at the Omaha end of the line July 10, 1865; and on the 22d of September the *Republican* reports that ten miles of track had been laid and that it was going down at the rate of a mile a day. There were on hand, also eighty miles of iron, four locomotives, thirty platform cars, four or five box freight cars, several passenger cars, spikes, switches, etc., "received from below." The construction of machine shops and other buildings at Omaha had been begun. This may be regarded as



AMES MONUMENT

the modest first equipment of the then greatest railway enterprise of the whole world. Bridge timber already framed for the first 100 miles — between Omaha and the Loup Fork — was on the ground. The grade was to be finished to Columbus in thirty days after the date last named. On the 6th of January, 1866, the three commissioners appointed by the President of the United States, according to the act of Congress, examined and accepted the first forty miles of road. According to the contemporary newspaper account the passenger car used by the commissioners on their trip of investigation was constructed in Omaha and was named the "Major-General Sherman." The commissioners were Colonel J. H. Simpson, president of the board. Major-General Samuel R. Curtis, and Major William White.

Notwithstanding that, on account of his erratic temperament, George Francis Train was kept in the background by the promoters and capitalists of the enterprise, yet his remarkable ingenuity, alertness, and activity commanded recognition; and on this occasion General Curtis is reported as saying in reply to a compliment to himself that Train deserved more consideration than he did. The *Herald* notes that, in a recent speech in Boston, Train boasted that his friends had subscribed enough to control the company, and at an annual meeting, with his proxies, he had erased the names of fourteen of the biggest men in the country from the directory.

According to a general and perhaps beneficent rule of compensation, men of unusually strong qualities or characteristics are apt to be endowed with corresponding weaknesses, and common among them is vanity. Not infrequently the cynically practical captain of industry loves and is influenced by flattery and cajolery, and according to Dr. George L. Miller's estimate and treatment of Thomas C. Durant he was not an exception to this rule. While the *Republican* and citizens of Omaha feared treachery on Durant's part, and openly protested and inveighed against his devious ways, the *Herald* did not falter in its expressions of faith that all things, including Durant, would work together for the good of Omaha; but in season and out of season it fortified its faith by cajolery of the imperious arbiter of Omaha's fortunes. On the 20th of October, 1865, the *Herald* calls on everybody to assist "the first of living railroad men" and the "Great Manager" in getting ties for "the Great Road," and says that "fifteen mills are already at work in this section."

On the 15th of June, 1866, the *Herald* stated that one and three-quarter miles of track were laid on the 9th inst., breaking the record, and it thereupon anoints Durant as "the Napoleon of railways."

On the 13th of July, 1866, the *Herald* notes that the "Railway King" has a freight boat, Elkhorn, built in Pittsburgh at a cost of \$52,000 for the use of the Union Pacific company, which had brought the first two barges — Hero and Heroine — that ever navigated the

Missouri, laden with 3,600 bushels of coal and 900 bars of railroad iron. The barges were 25 feet beam and 125 feet long, and each could carry 200 tons in two feet of water. "The friends of the Missouri river", the *Herald* says, "should be grateful to Durant for having vindicated these mighty waters against the slanders of their traducers."

The location of the Union Pacific bridge was fixed by the President (1) because there is a rock bottom at that point from the Nebraska to the Iowa side of the river; (2) the channel has not changed there since the time of the first settlement; (3) the company wanted the extensive river front for its business with steamboats.

Early in the spring of 1867 the Omaha city council appointed Oliver P. Hurford, Algeron S. Paddock, Augustus Kountze, Ezra Millard, and Francis Smith to go to New York and pledge \$100,000 to the company towards securing the bridge at Omaha.

In 1863 citizens of Omaha sought to settle — or re-settle in their own favor — the terminus question by giving right of way through the city, 500 acres of land along the river front for the company's shops, depots, and other buildings, and a gift of about 700 acres of outlying land, in consideration of an agreement by the company to fix the terminus at Omaha. The consideration recited in the deeds to these lands made by many citizens was as follows. "In consideration of the location of the eastern terminus of the Union Pacific railroad at Omaha City, Nebraska, within 1¼ miles of Farnam street in said city, thence running west from said point towards the Platte valley."

From this time until the formal settlement of the terminus question by the Supreme Court of the United States, in 1876, there was constant perturbation and fear on the part of the people of Omaha, and a chronic state of intrigue and bickering among themselves as well as between themselves and the company. Bitter recollections of the animosities and re-primations of that period still survive, and they will linger only to be buried in the graves of those who entertained them. It does not seem that there was ground for reasonable

doubt of the intention of the act of 1862; for its very unreasonableness was consistent with that Iowa influence which, as we have seen, from the first had exploited Nebraska affairs in the interest of Council Bluffs, and less directly of the whole state, and this act is perfectly explicable in the light of preceding manipulation. Nebraska was still politically and commercially insignificant, and in this sense "without God and without hope in the world"; while Iowa had a strong representation in Congress, formidable material progress to her credit, and was lined up surely and safely on the side of the dominant party. The only uncertainty lay in the Supreme Court's wide discretion of "construction" and its facility in exercising it — or as Mr. James Bryce, with at least a tincture of irony, puts it, the "breadth of view" which characterizes that body. It was not at all likely that the court would unsettle this vested interest of



Courtesy of Alfred Darlow, advertising agent Union Pacific railroad.

EARLY RIVER SCENE, OMAHA

Iowa, though Justice Bradley, in a short, crisp dissent, did insist that the whole Missouri river was "the western boundary of Iowa," and that therefore, in law as well as in fact, Omaha was the eastern terminus. His conclusion was as follows:

The Missouri river is, by common acceptance, the western boundary of Iowa; and the fair construction of the charter of the Union Pacific railroad company, which adopts that boundary as its eastern terminus, is, that the road was to extend from the Missouri river westwardly. The subsequent express authority to construct a bridge across the river, in my judgment, confirms this view of the subject; and as a mandamus is a severe remedy, . . . I think it ought not to be granted in this case.

This suit was begun in the name of Samuel E. Hall and John W. Morse, citizens of Council Bluffs, who asked for a mandamus

to compel the Union Pacific company to operate its bridge across the Missouri at Omaha as a part of its railroad, by continuous trains, and at a mileage tariff on freight and passengers. Until the time of the decision of the suit the company had operated the bridge line as a distinct system and with separate trains. The case was decided on appeal to the Supreme Court of the United States, February 28, 1876. The opinion of the majority of the court is in part as follows:

But we do not discover that the United States government or its officers ever acted upon the theory that the eastern terminus of the road was on the western shore of the river. The officers of the company asserted it for a time, it is true, but not in their practical intercourse with the national government. Indeed, it never became a practical question until the bridge was erected; and from that time to the present the government has asserted that the true terminus of the road was fixed on the Iowa shore. . . . True, it (the bridge) is not opposite section 10; but the company has taken up its road from that section, and it now comes to the river where the bridge is actually constructed. Having abandoned their road so far as it extended above that point; having commenced their bridge where it is; having applied to Congress for power to mortgage it and for special power to levy tolls and charges for the use of it; and having obtained those powers, they are not at liberty now to assert that they have located it in the wrong place. There is nothing either in the act of 1862 or 1864 or in that of February 24, 1871, which empowers them to build more than one bridge over the Missouri river for the Iowa branch; and the latter act contains an implied recognition of the right under the former acts to build their bridge on its present location. There is no intimation in it of a distinct franchise. It grants no power to build a bridge.

The Council Bluffs interests insisted on the strict, technical letter of the law. President Lincoln in his orders of November 17, 1863, and March 7, 1864, fixed the initial point of the road "on the western boundary of the state of Iowa, east of and opposite to the east line of section 10 in township 15 north, of range 13 east of the 6th principal meridian, in the territory of Nebraska." To meet this insistence on the apparently plain letter of the law Mr. Pop-

pleton's brief on behalf of the company was necessarily specious, but it was a masterpiece of its kind. It presented a formidable array of illustrations of the truth of his contention that the officers and engineers of the company, as well as representatives of the government, had from the first treated Omaha as the initial point of the railroad. While the argument was so complete that it seemed to omit nothing that was relevant and useful to the company's cause, yet it was not burdened with an irrelevant contention or a superfluous sentence. It is true that the act of 1862 "required" the company to construct its line as described, while the act of 1864 merely "authorized" it to construct a bridge. It is true, as Mr. Poppleton most forcibly and plausibly contended, that in adjusting the subsidies for the road, mileage was counted from Omaha as the initial point; that President Lincoln in his annual message of December 7, 1864, announced that, "The route of the main line of the road has been definitely located for 100 miles westward from the initial point at Omaha city, Nebraska"; and that the provision of the charter, that if the road should not be completed so as to form a continuous line from the Missouri river to the California coast by the 1st of July, 1876, the whole property should be forfeited to the United States, did not contemplate that the beginning of the road was at Council Bluffs, or that the forfeiture might have been enforced upon such an assumption. But while this argument furnished plausible ground for the court to decide against the strict letter of the original law, if it had deemed it expedient so to do, yet it did not prove that the system of ferry boats which was operated between the technical end of the railroad line and the Iowa shore was not constructively a part of the Union Pacific railway, or that when the company chose to, and did build its bridge in continuation of the first defacto end of its line, that the bridge would not legally and logically become a part of the line and be regarded as the delayed completion of it to the technical initial point.

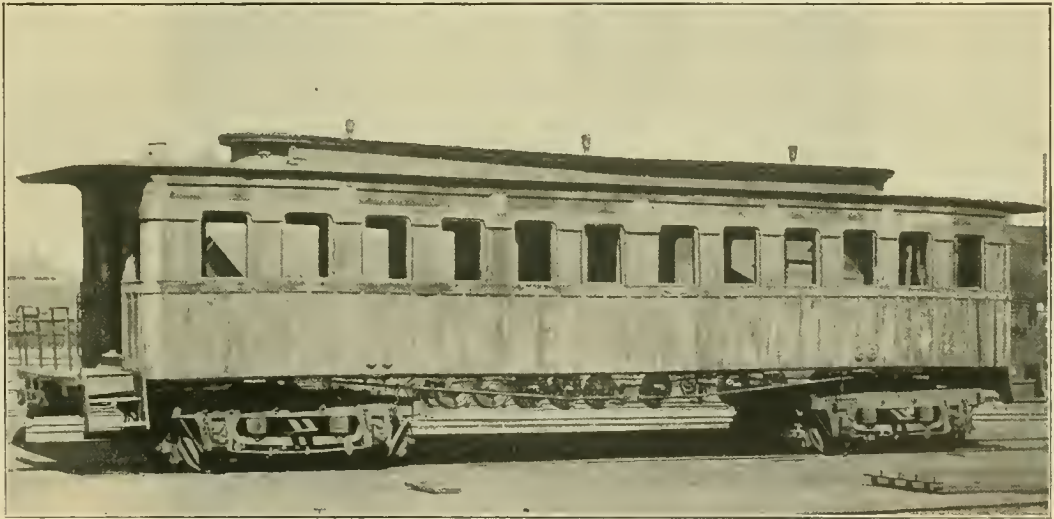
During these years of controversy there was intrigue in plenty on both sides. Assuming that the bridge was to be built at Omaha and

was to be a part of the Union Pacific line, as the court subsequently decided, and inasmuch as the company had recognized Omaha as the terminus and had accepted her bonus for the concession, as we have seen, the troubled city had plausible grounds for her contention, but nothing more. It was at most an open question, but the company had evidently pledged its faith to Omaha — if indeed it may be assumed that it had ever possessed anything of that sort to pledge. Two important documents show the attitude of Omaha towards the bridge question in 1868. The first is an ultimatum of the committee of citizens who were

upon in the settlement of 1868, the consideration of which is significant.

After they had won the contest the Omaha victors expressed a belief that their cause had been in great danger and acknowledged the effectiveness of the opposing forces. "When we say that for a long time, the contest on [the] bridge swung between Bellevue and Childs' Mill, and that Omaha was counted out, his [Henry T. Clarke's] people and ours may better appreciate the not altogether hopeless struggle in which he at last confessed a surrender."

The amendatory Union Pacific act of July 2,



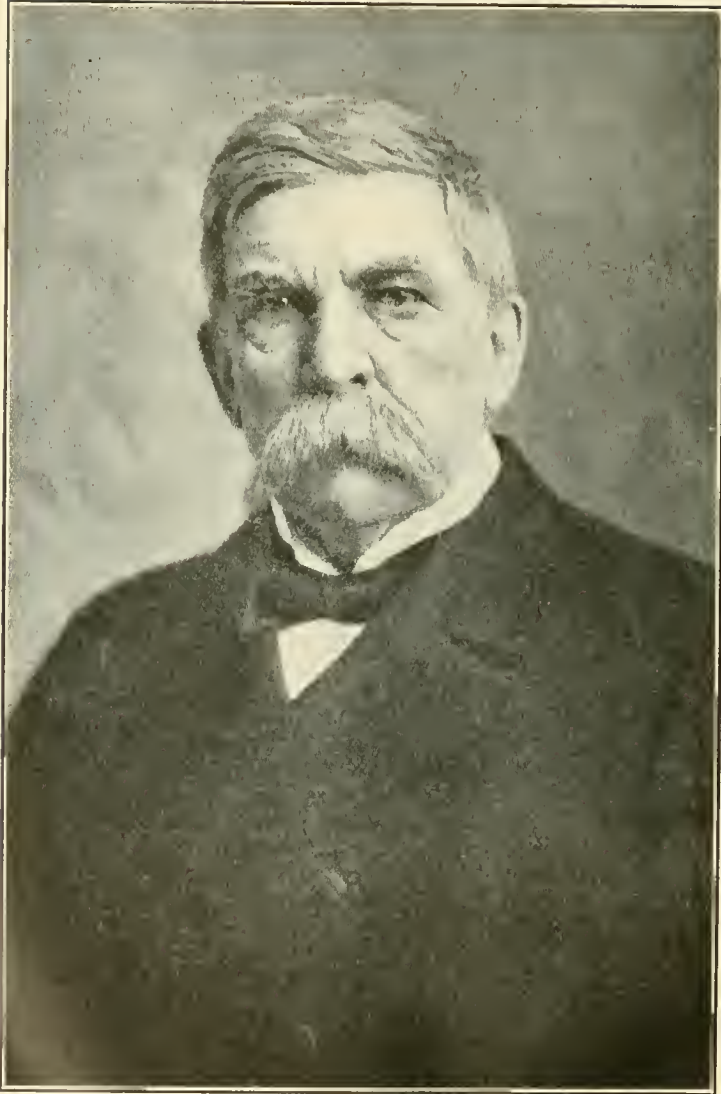
Engraving from a copyrighted photograph furnished by Mr. Alfred Darlow, advertising agent Union Pacific railroad.

PRIVATE CAR OF PRESIDENT LINCOLN

sent to New York to negotiate with the company. Dr. George L. Miller declined to act as a member of this committee. He insisted that the citizens had not kept faith with the road and were attempting to impose upon it an unjust condition subsequent to the original agreement. But at the urgent request of members of the committee he went to New York and pleaded, no doubt effectually, with Durant and others to come to a settlement and save the bridge — which meant the terminus of the road — to Omaha.

The second document is the deed of land for depot grounds, right of way, etc., as agreed

1864, granted to the Burlington & Missouri River railroad company, a corporation organized under the laws of the state of Iowa, right of way 200 feet wide and ten alternate sections of land per mile on each side of a line of railroad "from the point where it strikes the Missouri river, south of the mouth of the Platte river, to some point not further west than the 100th meridian of west longitude, so as to connect, by the most practicable route, with the main trunk of the Union Pacific railroad, or that part of it which runs from Omaha to the said 100th meridian of west longitude."



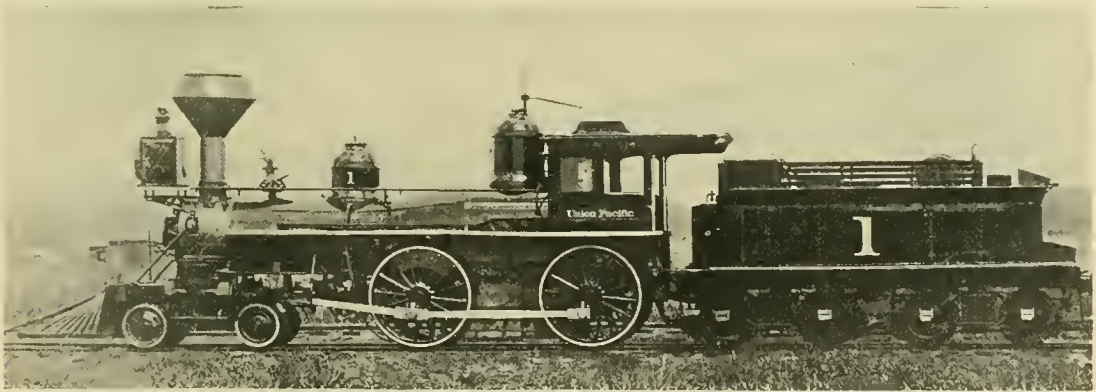
GRENVILLE M. DODGE

Major-general U. S. army, member of Congress, and construction
engineer Union Pacific railroad

When the Union Pacific company adopted the Mud creek or ox-bow route a sharp controversy, in the form of appeals to the secretary of the interior, arose between President John A. Dix of the Union Pacific and President J. W. Brooks of the Burlington & Missouri company, the latter contending that "the proposed alteration in the route of that road (the Union Pacific) brings it almost down to the line adopted by the Burlington & Missouri River R. R. Co." President Dix insisted that the change referred to "is all within the first 17½ miles of the old line west from Omaha. At that distance the old and new lines unite, and the maximum deflection of the new line from the old within that distance is only 5½ miles. As the line of the

of line, to which the other company is now entitled."

On the other hand there was strong popular opposition, led by J. Sterling Morton and Dr. George L. Miller, editor of the *Omaha Herald*, to the manner in which the Burlington company proposed to locate its lands. This controversy is explained by the protest of the *Nebraska City News*, which contains notice of the reversal by O. H. Browning, secretary of the interior, of the decision of his predecessor, James Harlan, that the company might select its lands from all odd sections, thus withdrawing them from market. By the new ruling the company was required to confine the selections to a limit of twenty miles on either side of its line. The *News*



ENGINE NO. 1 ON THE UNION PACIFIC RAILROAD

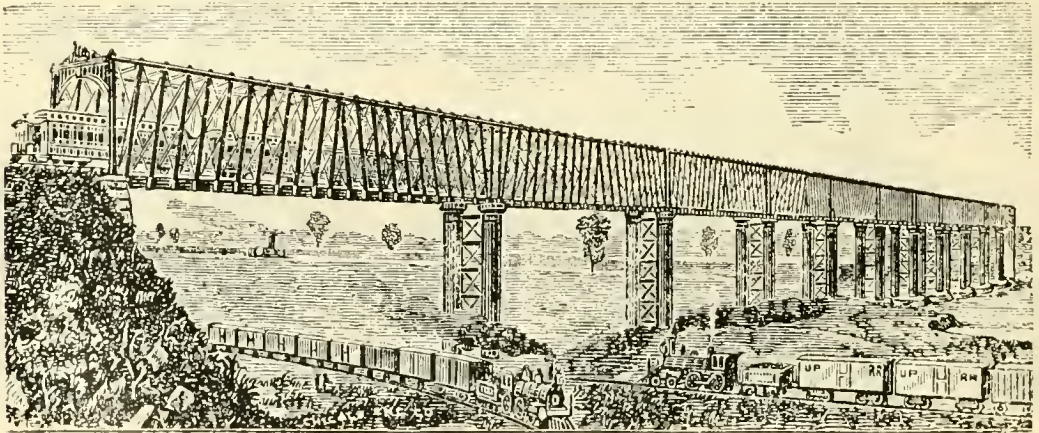
Burlington & Missouri River railroad is understood to run south of the mouth of the Platte, a distance of eighteen miles from Omaha, the apprehended invasion of the territory, for which that road proposes to furnish railroad facilities, is altogether imaginary." But on the 9th of September, 1865, to quiet the matter, President Dix announced that the Union Pacific company "will waive all claim to any land to which the Burlington & Missouri railroad company is now entitled under existing acts of Congress, so far as such claim may arise from the proposed change of line. That I may not be misunderstood, I put the proposition in another form of words: that the Union Pacific railroad company will not claim any lands, by reason of the change

expresses the opinion that this new decision will probably involve the location of a new initial point on the Missouri river, and "because the Union Pacific railroad reaches twelve miles south of Plattsmouth (the present initial point of the Burlington) and therefore leaves no land on the north side of the present line of location, westward, to be selected by the Burlington Co. and none within twelve miles south thereof." The *Omaha Herald* indulges in strong congratulations over the event, as follows:

It will be remembered that Harlan decided the clause under which that land-grabbing corporation has been for years engaged in absorbing millions of acres of the choicest land in Nebraska, restricting them to selec-

tions within twenty miles of the line, to mean that they could select without regard to limits. Under this construction the company has been engaged for more than a year in a systematic effort to absorb the choicest land in all sections of the territory. . . . Mr. Browning is entitled to the hearty thanks of the people of Nebraska for his action. To Hon. J. Sterling Morton, who first called the attention of the Secretary of the Interior to this important subject, and subsequently pressed it before him for decision, and advocated the rights of the people in the *News*, and to Mr. O. F. Davis, acting register of the land office, who has sustained his views and denounced the land robbers, the public thanks are due. We understand Mr. Browning has caused orders to be sent to the land offices in Nebraska to stop these withdrawals of the land, and to

nestly begun. Only about one and one-half miles of road had been graded previous to July, 1865, but before January 1, 1866, the line was completed fifty miles westward. From this time the work of construction progressed rapidly; 250 miles of track were laid in 1866, and during the season of 1867, 240 miles were added. Fort Sanders was passed May 8, 1868, and the following day the track was completed to Laramie. Promontory Point, Utah, was reached just one year later, and on May 10, 1869, a junction was made with the Central Pacific railroad at a point 1,085.8 miles west of Omaha, and 690 miles east of Sacramento. The greatest trouble with Indians was experienced in western Nebraska, but they con-



THE FIRST UNION PACIFIC RAILROAD BRIDGE ACROSS THE MISSOURI RIVER AT OMAHA

open them to the homestead and preemption benefits. We presume this will include orders to cancel the reservations heretofore made, and thus will be restored to our people millions of acres of the best lands the sun ever shone upon.

The secretary granted the company a rehearing, but on the 25th of January, 1865, he affirmed his former decision as follows: "The order then made for a restoration to market of the lands lying beyond the limit of twenty miles of the line of said road and withdrawn with reference to the claim of said company, will, if not executed, be carried at once into effect."

The route out of Omaha being now finally determined, the work of construction was ear-

tinued to harass surveying parties and track-layers in Wyoming as well, although United States troops were constantly on guard.

The first permanent bridge across the Missouri river, at Omaha was commenced in March 1868, and completed four years later, at a cost of \$1,750,000. In 1877 this bridge was partially destroyed by a cyclone, and in 1886-1887 was entirely rebuilt and enlarged.

A regular train service was established early in 1866, and trains were running to Bridgers Pass by October, 1868. The first conductor on the Union Pacific was Grove Watson, deceased, and the second, Augustus A. Egbert. The first station at Omaha was built near the present site of the smelting

works, and B. T. C. Morgan was appointed agent, January 1, 1865.

By September, 1867, the great highway had become progressive enough to announce that "on and after next Sunday" all trains, passenger and freight, would run on Sundays the same as week days. On the 20th of May, 1868, it was announced through the *Herald* that passenger fare had been reduced from ten cents to seven and one-half cents a mile. By this change the fare to Cheyenne, which had been \$51.50 became \$38.50.

Among the earliest local officials of the Union Pacific railroad after its formal inauguration were: Webster Snyder, general superintendent, soon followed by Samuel B. Reed, and later by C. G. Hammond; H. M. Hoxie, assistant superintendent; J. H. Congdon, general manager; S. H. H. Clark, general freight agent; Thomas L. Kimball, general passenger and ticket agent; T. E. Sickles, chief engineer; and William Huff, master mechanic. The latter was succeeded by Robert McConnell, April 1, 1867.

PASSENGER TARIFF OF UNION PACIFIC R. R.¹

July 16, 1866.

DISTANCE FROM OMAHA	OMAHA												
12 1/4	\$1 25	PAPILLION											
28 3/4	2 85	\$ 1 65	ELKHORN										
46 1/2	4 65	3 40	\$ 1 75	FREMONT									
61 1/4	6 15	4 90	3 25	\$ 1 50	NORTH BEND								
75 1/2	7 55	6 35	4 65	2 90	\$1 45	SHELL CREEK							
91 1/4	9 15	7 90	6 25	4 50	3 00	\$1 55	COLUMBUS						
109	10 90	9 70	8 00	6 25	4 80	3 35	\$1 80	SILVER CR K					
131 1/3	13 10	11 95	10 25	8 50	7 00	5 60	4 00	\$2 25	LONE TREE				
153 1/2	15 35	14 15	12 45	10 70	9 20	7 80	6 20	4 45	\$2 20	GRAND ISLD			
171 1/2	WOOD RIV R		
190	KEARNEY	

OMAHA, July 16, 1866.

SAM'L B. REED,
General Superintendent.

¹ Joseph Nichols, *History Union Pacific Railway.*

CHAPTER XXII

SCHOOLS, COLLEGES, AND UNIVERSITIES.

CREIGHTON UNIVERSITY. The history of this college may be briefly outlined as follows: Mr. Edward Creighton, after whom the college is named, had proposed in life to form a free institution of learning, but died intestate on November 5, 1874, before making provisions for the fulfillment of his project. His wife, Mrs. Mary Lucretia Creighton, inheriting both his fortune and his noble purpose, determined to carry out her husband's wish, but did not live to behold its realization. Her death occurred on January 23, 1876. In her last will and testament, dated September 23, 1875, she made, among others, the following bequest:

Item: I will and bequeath unto my said executors the further sum of one hundred thousand dollars to be by them received, held, kept, invested and reinvested in like manner, but upon the trusts nevertheless and to and for the uses, intents and purposes hereinafter expressed and declared of and concerning the same, that is to say, to purchase the site for a school in the city of Omaha, . . . and erect proper buildings thereon for a school of the class and grade of a College, expending in the purchase of said site and the building of said buildings, and in and about the same, not to exceed one-half of said sum, and to invest the remainder in securities, the interest of which shall be applied to the support and maintenance; and the principal shall be kept forever inviolate. . . .

Acting on this bequest, the executors, Messrs. John A. Creighton, James Creighton, and Herman Kountze, purchased the present site and proceeded to erect what is now called the main building. The entire property and securities were duly conveyed by the executors to the Rt. Rev. James O'Connor, D.D., bishop of Omaha, July 1, 1878.

Under and in pursuance of "An act of the

legislature of the State of Nebraska (February 27, 1879) to provide for the incorporation of universities under certain circumstances," Rt. Rev. James O'Connor, D.D., vested the entire property and securities of Creighton College in a corporation, designating the legal title of said corporation to be Creighton University, and appointing five members of the Society of Jesus to constitute the board of trustees. Creighton University was thus incorporated on August 14, 1879.

By deed of trust executed on December 4, 1879, the Rt. Rev. James O'Connor, D.D., conveyed all the property and securities of Creighton College to the above-mentioned corporation, Creighton University. By this conveyance the entire trust passed from the Rt. Rev. Bishop and his successors to Creighton University and its successors, the trust to be held and administered upon the same terms and conditions and for the same purposes, for and under which it was originally bequeathed by Mrs. Mary Lucretia Creighton. The position, therefore, of Creighton University relative to Creighton College, its property, and securities, as derived from the bequest of Mrs. Creighton, is that of trustee for Creighton College.

The funds invested for the support of the college had been increased from the division of the residue of the estate of Mrs. Mary Lucretia Creighton, so that when Creighton University accepted the trust, the endowment fund amounted to about \$147,500.

The main building was begun in 1877 and completed in 1878. It is built of brick trimmed with limestone. There are three stories and a basement, with a frontage of 56 and depth of 126 feet. The façade is surmounted by a tower 110 feet high. This

building is at present devoted entirely to college purposes.

The library, which had only 1,000 volumes in 1899, now contains about 17,000 volumes, among which are many works of considerable antiquity and value. It is a free library.

In 1883, the scientific department of Creighton College was established and richly furnished by John A. Creighton with a complete chemical, physical, and astronomical outfit.

The astronomical observatory received its full development in 1886, when the present observatory was erected on the brow of the hill north of the college. The cost of its



MRS. MARY LUCRETIA CREIGHTON

erection was largely borne by John A. Creighton and John A. McShane.

In 1892 John A. Creighton signified his willingness to found the medical department of Creighton University. To carry out his idea, the board of trustees held a meeting May 3, 1892, and unanimously resolved to establish the "John A. Creighton Medical College" as a department of the university. This action was taken in virtue of an act of the legislature, passed February 27, 1879, giving the university authorities power to "erect within and as departments of said institution, schools and colleges of the arts, sciences, and professions, as to them may seem proper."

The Edward Creighton Institute, 66 by 126 feet, four stories and basement, located on Eighteenth street, opposite the city hall, is the latest addition to the university buildings. It is intended to form a permanent home for the departments of law and dentistry, which were opened in 1905. It also gives temporary accommodation to a school of pharmacy, now in operation. The Omaha law library is located in this building.

During the last few years of his life John A. Creighton added considerably to the en-



MRS. SARAH EMILY CREIGHTON

dowment fund of the university, and in his will made substantial provision for its permanent endowment.

COTNER UNIVERSITY. At the annual state convention of the Nebraska Christian Missionary society in 1887 a resolution was passed authorizing a committee composed of J. Z. Briscoe, E. T. Gadd, Porter Hedge, W. P. Aylsworth, G. E. Bigelow, J. B. Johnson, and W. W. West to "receive and accept propositions" looking toward the incorporation of a Christian university. This committee accepted donations of land aggregating 321 acres, lying northeast of Lincoln, and on February 14, 1888, articles of incorporation of

the Nebraska Christian Educational Board were filed. The construction of a suitable building was begun which was finally completed in April, 1890, and fully paid for. This structure is a handsome and entirely modern building of Milwaukee pressed brick, and overlooks the city of Lincoln from a beautiful campus of twenty acres well set to trees, about four miles northeast of the postoffice. School was opened in the fall of 1889, in a private house with William P. Aylsworth as its acting president. In 1890 D. R. Dungan was called to the presidency and served for six years. During this time the financial distress that



WILLIAM PRINCE AYLSWORTH

came upon the country, crushing banks and business interests of all kinds, met the young institution in its first years and well-nigh ended its career. Its assets, in common with those of the business world, shrank in value, and notes accepted for the deferred payment on lots sold, the proceeds of which were used to construct and fit out the building, were defaulted in large amounts and came back for payment. The lots had so shrunk in value that in many instances not one-tenth of the purchase price could be realized on them. A

mortgage on the building, campus, and dormitory was given for funds to meet these demands. Times grew worse. Men were failing in business everywhere. Courage and confidence were at the lowest ebb. It came to be practically every man for himself. The mortgage was foreclosed and the property passed into the hands of a trustee for the creditors. But in spite of these adverse conditions the school never failed to hold full year's sessions. In 1896 Mr. Dungan resigned and W. P. Aylsworth was chosen as chancellor. John W. Hilton, a graduate of the school, was called to be its financial agent in 1898 and sent into the field to raise a fund to redeem the property. After two years of labor and through the great generosity of the creditors in scaling down the original debt very largely, the university building, campus, and dormitory were deeded to the "Nebraska Christian University," an incorporation formed February 11, 1901, and representing the Disciples of Christ in Nebraska, thus securing to the brotherhood of the state this handsome property, valued at over \$137,000.

The university has two colleges, liberal arts and medicine. It has also an academy, normal school, business school, school of eloquence, school of music, and school of art. The college of liberal arts offers four courses: Classical, sacred literature, philosophical, and normal philosophical.

The medical college is situated in the city of Lincoln and is known as Lincoln Medical College. This school was opened September 15, 1890, in the university building, with Dr. W. S. Latta as dean. It has a four-years course and confers the degree of M.D., its diplomas being recognized by state boards of health. Dr. Frank L. Wilmeth is the president.

William P. Aylsworth, LL.D., was the chancellor of the university for about fifteen years and has been at the head of the sacred literature department from the opening day, November 1, 1889. Dr. James A. Beattie was for many years connected with the institution. The work of the school is growing steadily and its influence is widespread. Its alumni may be found in prominent fields of labor in business,

education, and religion. Some of its graduates are in foreign fields as missionaries.

At the annual meeting of the trustees in June, 1910, Dr. W. P. Aylsworth resigned the chancellorship but retained his place and work at the head of the department of sacred literature. In July of the same year the trustees elected William Oschger, A.M., pastor of the Christian church of Vincennes, Indiana, to fill the office of chancellor. Mr. Oschger continued in office until June, 1916. The trustees elected Charles Watt Erickson, M.S., of Detroit, Michigan, a graduate of Washington and Jefferson College, to fill the place made vacant by the retirement of Mr. Oschger. At the close of the college year in June, 1917, Mr. Erickson resigned and returned to Detroit. The trustees appointed Andrew D. Harmon, A.M., acting chancellor. At the time of his appointment he was a member of the teaching staff of the university and dean of the faculty. Cotner University is one of the institutions of higher education for which the members of the Christian church are raising an endowment fund of \$3,500,000 in connection with \$2,800,000 for missionary purposes in America and foreign lands. The "Men and Millions Movement" as it is called, is to complete its work by June 1, 1918. Cotner University's share of the \$3,500,000 is \$225,000. This sum, with the endowment already possessed, will make a good beginning of the large sum which a growing institution of learning needs. A fund of \$10,000 for each year for three years (\$30,000), in addition to the regular fees and interest on the endowment and the sums which are contributed by the churches on educational Sunday, has been raised. The addition to the funds will help to carry on the work of the university while the \$225,000 becomes interest bearing.

DOANE COLLEGE. One of the distinctive characteristics of Congregationalists is to build colleges and academies. Our Pilgrim fathers landed at Plymouth in 1620, and in 1636 founded Harvard college and in 1701 Yale college. Since then, with the development of the denomination, colleges and academies have been established east and west, north and south, until today the Congregational institu-

tions of learning bear noble testimony to the educational genius of the Congregational churches and stand in the very forefront in the splendid educational system of the republic. It is not surprising, then, that our pioneer fathers in Nebraska at the first annual meeting of the Congregational churches in the territory, held in Omaha, October 30, 1857,

Resolved, That we deem it expedient to take measures to lay the foundation of a literary institution of a high order in Nebraska.

Resolved, That a committee of three be appointed to take into consideration the location of the literary institution.

Voted, That this committee view locations, receive propositions, and, if thought expedient, call a special meeting of the association.

In accordance with these instructions the Nebraska University, located at Fontenelle, February, 1855, and commonly referred to as the "Fontenelle school," was transferred to the Congregationalists, January, 1858. A tract of 112 acres was set apart for the school, almost ideal in the lay of the land, and the early prospects of the school were bright, but subsequent disappointments many. Fontenelle had an ambition to secure the county seat and also the capital of the new state.

The building of railroads and the push of settlements west and south of Fontenelle sealed its fate as a school center and as a town. Fremont secured the county seat and Fontenelle was set in another county, Lincoln was awarded its hoped-for capitol, Crete its college, and the open fields its once ambitious town. The Fontenelle school never reached a secure footing. When the state capital was located at Lincoln and the trend of immigration went that way, it became evident that the Congregational college must have a more central location. The result was that the school at Fontenelle was abandoned, and a new college was organized at Crete by vote of the general association, June, 1872, and was duly incorporated July 11, 1872. An academy had been located at Crete the preceding year — incorporated as Crete Academy, May 22, 1871, — and this doubtless had no little to do with the location of the new college.

No name was attached to the college when it was located, but in virtue of the generous

aid, active coöperation, and splendid qualities of manhood of Thomas Doane, chief engineer and superintendent of the Burlington & Missouri River railroad in Nebraska, the college corporation wrote his name in the articles of incorporation, and the institution was called Doane College.

In classical and literary work it has for years stood among the best colleges in the land, and in scientific research and instruction Doane College has achieved splendid results considering its meager equipment.

There are now in the college ten professors and twelve instructors. The chairs

had a healthy growth from its beginning in 1872. The first year there were fifteen students and one teacher, Mr. Perry himself; the second year forty students and two teachers; the third year sixty students and three teachers. It now has an annual attendance of about 250 students.

The college is governed by a self-perpetuating board of trustees, twenty-seven in number, who serve for three years but are eligible for reëlection. College graduates are invited each year to nominate one or more of their number to fill vacancies on the board, and in like manner the Congregational churches of the state have the privilege to nominate one or more trustees, the object being to keep the college in close touch with its alumni and with the churches of the state. The board shall have not less than twelve nor more than twenty-seven members, its present number, and of these not less than three-fourths shall be members in good standing in Evangelical Congregational churches.

The college is broad in its sympathies, non-sectarian in its methods, charitable in its dealings with others, and welcomes students of other denominations, and of no church leanings, and seeks to bring all under the influence of higher learning, based on eternal truth.

The college presents three carefully prepared courses of study leading to the baccalaureate degrees in art, literature, and science.

An account of the life, work, and progress of Doane College would lose much of its spirit and meaning if it did not contain more than a passing mention of David B. Perry, A.M., D.D., who opened the school and was its president for almost forty years. From the day of his appointment, July 20, 1872, to the time of his death, May 12, 1912, he was the guiding spirit and acknowledged leader. This statement does not take away anything from the foresight of the members of the board of trustees nor from the devotion of the men and women who have graced the class rooms and dignified the platform of the institution.

At first President Perry was appointed to conduct the school as a tutor, then in 1873 he was made professor of Greek and Latin and next as president in fact but not in name



PRESIDENT DAVID B. PERRY

are mental philosophy and history, economics and ethics, ancient languages and principal of the academy, Greek and Latin, English literature and history of art, German, French, and elocution, chemistry, physics and astronomy, biology, mathematics, and biblical literature.

In addition to these there is a fine music school and a successful commercial department. Much attention also is given to pedagogy, and excellent work is being done along this line, the course in pedagogy leading to a state teacher's certificate. The college has

until June 21, 1881. The record of the meeting of the trustees on that day says that "Professor D. B. Perry was duly elected as the unanimous choice of the trustees for President." Thus for almost forty years he served the college as its administrative officer under the titles of tutor, professor, and president.

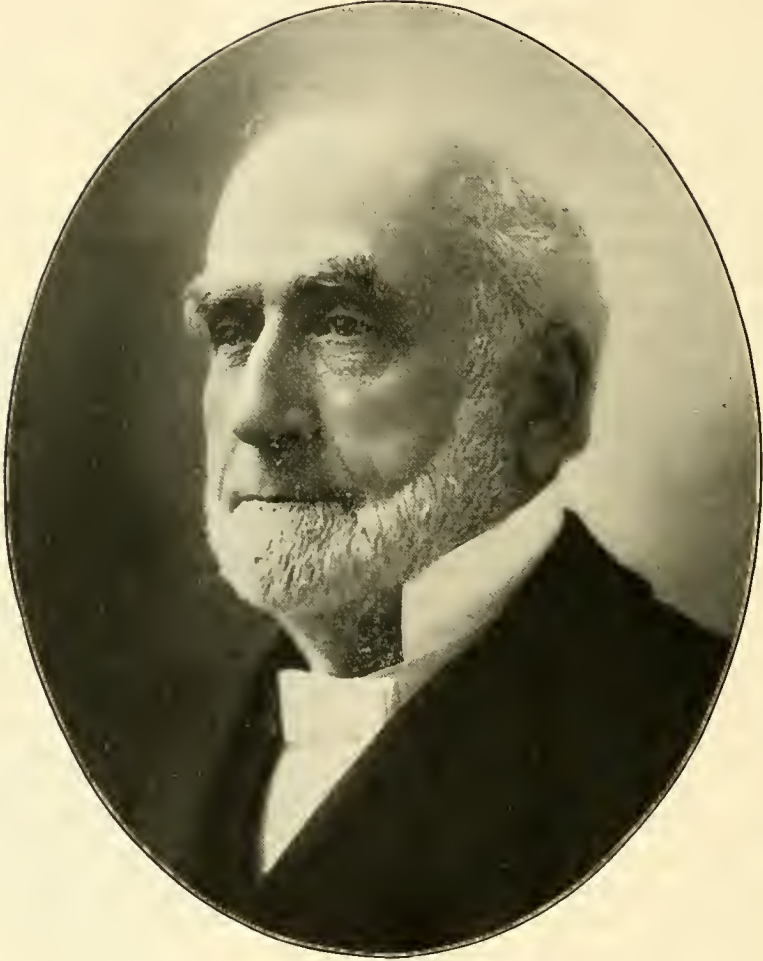
In some respects Doane College has reflected the Puritan and New England spirit more than any other institution of higher education in Nebraska. This has been due in a large measure to the educational conceptions and character of President Perry, to the friends with means to aid the work of the college who lived in the east, and to the men and women who have made up the faculty. Not that Doane College has not possessed the western spirit for that would be a statement not true to fact, but western modified and directed by the classical and cultural conception of life, education, and religion of the eastern friends and helpers. President Perry when a lad attended the high school of Worcester, Massachusetts, was a student in Yale and later a graduate in Princeton and in Union Theological Seminary. During these years and in these surroundings the seeds of intellectual, moral, and spiritual life were planted and the plants that came from these seeds were made to bear much fruit. The foundations of learning, the ideals of manhood, and the devotion to religious conviction did not suffer loss by being transplanted to the valley of the Blue. His ability, training, and faithfulness were seconded by his energy, industry, and devotion during forty years and as a result we see the hopes realized and the dreams come true. As is certain to be the case, where time is given for growth and development, the outstanding qualities of the presiding personality become the characteristics of the institution. This general principle is nowhere more accurately illustrated by a concrete example than by the college at Crete. Generous and far-seeing friends in the East made possible the growth, the buildings, the equipment, and the endowment, and these things in turn determined what President Perry purposed and planned the college should be in tone and

principle, and what it should stand for and accomplish as an institution of higher education. He believed in the future of Nebraska. He had an abiding faith in the ability of the college to help the state make substantial progress. He had the fullest confidence in the people among whom he lived and to whom he never failed to present the need of truth, justice, and honesty, in all relations of life, and that, in the end, right and righteousness are certain to prevail.

While Dr. Perry's time, thought, and energies were devoted to the college he was in no sense restricted in his interests and sympathies. He was at all times in accord with the public school system of the state, with the high schools in their development, with the other colleges in their progress, with the normal schools both public and private, and with the state university. To very few men are given the opportunity to be what Dr. Perry was in the state and to do in Nebraska what he did for so long a period as that indicated by July 21, 1872, to May 12, 1912.

WESLEYAN UNIVERSITY. The Methodists of Nebraska have been in hearty sympathy with all moral reforms. They were opposed to slavery in the '50s, and loyal to the government in the '60s. They have occupied an advanced position on the temperance question, and whenever the issue has been distinctly drawn, as in the contest in 1890 for a constitutional amendment, have been unanimously arrayed against the saloon.

It was not till this last period that the church found it possible to enter upon its long cherished work of Christian education. It is, however, characteristic of the church that the first enterprise of any kind projected was Simpson University, as far back as 1855, for which the Methodists of the ambitious city of Omaha secured from the legislature an act of incorporation. To furnish a financial basis for the institution the Rev. Moses F. Shinn gave fifty acres of land and T. B. Cuming, acting governor, gave twenty-five. This tract of land, lying as it does just north of Cuming street, has since become very valuable, being in the heart of a fine residence portion of the city. But a disputed title, in-



D. W. Huntington

volving long years of litigation, made it impossible for the Methodists of Omaha to consummate the project, and unwise for the church to make it its own by conference action. A year or two after this an effort was made to establish a center of learning, including a theological school, at Oreapolis, near the mouth of the Platte river. Along with other prominent business men, John Evans, M.D., was the projector. He had a few years before helped to found what is now the great Northwestern University, the city which grew up around it being named Evanston in his honor. He afterwards became governor of Colorado, and was one of the principal founders of the Denver University. These facts are mentioned to show that this enterprise at Oreapolis was not wholly visionary, though, being premature and started in unpropitious times, it was doomed to failure. Though after this the conference frequently received offers from ambitious localities, of lands and subscriptions, it was usually to found a college "or a university," and the conference wisely refused to undertake to maintain an institution of that grade. So it was not till the conference which met in Lincoln in October 1879, that the Methodist church of Nebraska officially began its long deferred work of Christian education by accepting a proposition from York, Neb., to establish York Seminary. This institution, located in a thrifty section of the state, and in a town in which there never has been a saloon, opened for work January 7, 1880, under the principalship of Dr. Edward Thompson. The school did splendid work under the management of Professor Thompson and also during the presidency of Dr. R. N. McCaig, who succeeded Professor Thompson in 1885, and in the meanwhile it was raised to the rank of a college. The attendance at one time reached over two hundred.

In 1884, two years after its organization, the North Nebraska Conference appointed a commission with authority to establish a conference seminary. The commission met in December and selected Central City as the place. Dr. J. B. Maxfield was elected president, and a substantial brick building erected at a cost

of \$10,000. The following year the school was opened with good prospects. At the following conference the grade was changed to that of college, and the name changed to Nebraska Central College. At the end of the second year Dr. Maxfield resigned on account of failing health, and the Rev. David Marquette was elected to the place. He, too, after a year spent principally in an effort to solve the financial problem, which had already become serious, found his health so impaired as to make it necessary to relinquish the work, and the Rev. J. W. Shenk was elected. He in turn was soon succeeded by the Rev. H. A. Crane, and he by F. W. Ware. The number of students continued to increase till at one time there were 150 in attendance, but the financial conditions constantly became worse.

In 1886 the Rev. Allen Bartley and others started the town of Bartley in the southwestern part of the state, and within the bounds of the West Nebraska Conference, and established an institution of learning with the pretentious title of Mallalieu University.

This was the situation of Methodist educational affairs in 1886 when Bishop Fowler came to preside over the Nebraska conferences. With the York and Central City school within forty miles of each other, and both financially embarrassed, and the tendency to increase the number of struggling schools, each conference wanting to have its own high grade institution, it seemed improbable that either would ever be able to reach the standard of a first-class institution. The bishop suggested the appointment of a commission composed of five members from each conference, and three from each school, and that an effort be made to unify the educational work of the church in the state by centering its efforts on one institution of high grade for the entire state. The suggestion was adopted by all the conferences. The commission as thus constituted, together with Bishops Bowman and Warren, who had been made members, met at St. Paul church in Lincoln, on December 15, 1886. Bishops Fowler and Foss had also been made members of the commission, but were unable to attend.

The commission addressed itself at once to the delicate and difficult task of unifying the educational system, and as a result of its deliberation what is called the "Plan of Unification" was adopted, involving these features: (1) That there should be but one institution of college grade in the state, the location of which should be determined by a majority vote of the commission; (2) that all other schools should be parts of, but subordinate to the central university, and should have permission to carry their course of study as far as the sophomore year. By a vote of the commission the central university was located at Lincoln, and named the Nebraska Wesleyan University. It was located some three miles from the main part of the city and a building costing \$70,000 erected. A townsite was laid out and named University Place, which has grown into a thrifty village of nearly or quite 2,500 inhabitants. Being outside of the city limits, it maintains a separate municipal government, excluding saloons and all other haunts of vice. It is connected with the city by two electric street car lines, with service every fifteen minutes.

Dr. C. F. Creighton was the first chancellor, serving in that capacity for six years, when he resigned and was succeeded by Dr. Isaac Crooks. After three years he resigned, and the place was left vacant with only an acting chancellor. In March, 1898, Dr. D. W. C. Huntington was elected to the vacant chancellorship, and under his administration the school has thrown off the burden of debt, increased its attendance of students, and starts out on a new era of prosperity, the unique "plan of unification" placing back of this one school the entire 60,000 Methodists of the state as a constituency. Though by reason of debts, adverse financial conditions, and other causes, all the other schools of Methodism in the state have suspended, the Nebraska Wesleyan, because of its favorable location, will be able, for the present at least, to do the education work for the church better than it would have been done had they continued to live and Wesleyan had not been. Besides the income from the sale of Nave's Topical Bible, there is a productive endowment of nearly

\$250,000. The conservatory of music, named the C. C. White Memorial, cost over \$50,000.

In the summer of 1908 Chancellor Huntington resigned and retired from active work in the educational field. William J. Davidson, A.B., B.S., T.B., D.D., of Garrett Biblical Institute, was elected chancellor and professor of the history and philosophy of religion. Dr. Davidson held the office and professorship for two years when he resigned and returned to Garrett Institute. Clark A. Fulmer, A.M., was appointed dean of the college of liberal arts and professor of zoölogy in the university in 1908. When Dr. Davidson resigned Dean Fulmer was made acting chancellor and one year from that time he was made chancellor. He was, during the years of his chancellorship, professor of physiology and hygiene. He continued in the office of chancellor until the summer of 1917. The trustees appointed as his successor Isaac B. Schreckengast, Ph.M., S.T.B., D.D., acting chancellor and professor of religion. Dr. Schreckengast came to the Wesleyan as vice chancellor, treasurer for the board of trustees, and professor of religion in 1913. The university maintains courses of study in the college of liberal arts, in the teachers college, conservatory of music, school of expression and oratory, school of art, and the summer school. Including the attendance during the session in the summer the institution has had for several years an enrollment of eight or nine hundred students. The faculty is made up of about forty able men and women. Dean Francis A. Alabaster of the college of liberal arts, Dean Bertram E. McProud of the teachers college, Professor Charles D. Rose, Elias H. Wells, William G. Bishop, Abbie C. Burns, Henry H. Bagg, Clarence A. Morrow, and Orlin H. Vennor have been connected with the university for years. For a shorter time other professors and teachers have worked with equal devotion and earnestness. There are many evidences of progress. Not the least of these is the Van Fleet teachers college building which was erected in 1917 at a cost of about \$50,000. The debts which were contracted several years ago have been provided for and

the university for some time has lived within the income.

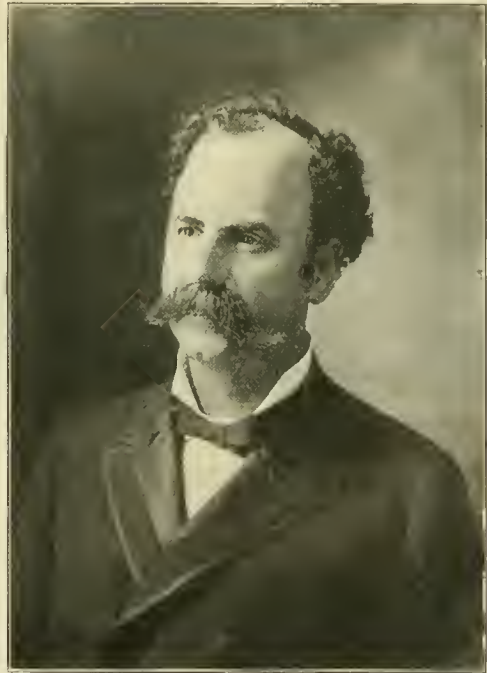
BELLEVUE AND HASTINGS COLLEGES. The Presbyterian church has always and everywhere been the friend and advocate of thorough and liberal Christian education. Many of the most useful institutions of learning in the United States have been founded and maintained by this church. Recognizing the fact that learning without moral character is only a larger equipment for evil, and that good education and true religion must join hands to secure the best citizenship, this church has ever been diligent according to her ability to provide Christian schools of all grades for her children and youth.

This governing principle was clearly recognized by the men who laid the foundations of the Presbyterian church in Nebraska. At the first meeting of the synod, October, 1874, the subject was introduced by the representatives of the church at Hastings, and was earnestly discussed and heartily approved. But the synod was not able at that early date to take any direct action toward establishing a denominational school. But the purpose to do so was firmly cherished in the hearts of all, and only waited the opportune time for its practical development. At the end of six years of growth in churches and financial resources it was believed that a beginning might be made; and at the meeting of synod, October 16, 1880, it was determined to open such a school at Bellevue.

The location was decided by the generous offer of Mr. Henry T. Clarke, then of Bellevue, to give 264 acres of land adjoining Bellevue, and to erect a building on the summit of Elk Hill, which he subsequently did at a cost of \$16,000. The college was opened for students in the fall of 1883 with two professors and sixteen students. The Rev. William W. Harsha, D.D., LL.D., became the first president, taking charge in 1884, and continuing till June, 1888. The Rev. Francis S. Blayney, Ph. D., succeeded Dr. Harsha and served one year.

The Rev. David R. Kerr, Ph.D., D.D., was then chosen president, and continued in this

capacity from January 2, 1890, to June, 1904, when he resigned. During all these years Dr. Kerr carried a load of anxious responsibility which would have crushed a less courageous and determined spirit; and to him chiefly are the college and its friends indebted for the steady enlargement of its plant and work in all directions. After the resignation of Dr. Kerr, the vice president, the Rev. Robert M. Stevenson, D.D., became acting president until the election of Guy W. Wadsworth, D.D., who entered upon his duties September 1, 1905.



REV. ROBERT LUCIUS WHEELER, D.D.
A leading Presbyterian minister of Nebraska

The location of the college is "beautiful for situation," commanding an extended view of river and bluffs, hills and plateau, such as can rarely be seen in any part of our country. To the one building which crowned the hill when Dr. Kerr began his work there have been added five others, used for president's house and dormitories, and all well adapted to the purposes of their erection. The library contains 4,500 books and 3,000 pamphlets; and 110 papers, magazines, and other periodicals are regularly received. The laboratories are well equipped for the work of that department.

Athletic fields and gymnasium provide ample accommodations for healthful recreation. The Bible is taught regularly and systematically, and is fundamental in the whole course of instruction. Young men's and young women's Christian associations and literary societies are maintained. It is the constant aim of the faculty to attain a high standard of instruction and scholarship and at the same time to cultivate and develop the moral and spiritual side of the student life. The attendance has steadily increased till the present year, which shows an enrolment of 180. The material resources, including lands, buildings, library, and apparatus, aggregate about \$120,000.

1916, a period of two and one half years. In August, 1916, Dr. David R. Kerr returned to the presidency of the college under the urgency of the trustees and friends of the institution.

The buildings of the college at this period in the history—March, 1918—are seven; Administration and class rooms, gymnasium, president's house, and four dormitories. The library contains a little over 7000 volumes.

The people of Hastings, who had taken the initiative in the matter of Christian education at the first meeting of the synod, felt that they must have an institution of their own, being so far distant from Bellevue, and



BELLEVUE COLLEGE

The successor of Dr. Kerr as president of Bellevue College was Dr. Wadsworth, who continued in office until the summer of 1908. The college authorities elected Stephen S. Stookey, A.M., LL.D. He came to the position in the college well acquainted with the work, as he had been dean of Coe College, Iowa. He served until January 1, 1914. During his administration the Synod of Nebraska decided that Bellevue College should be an independent institution approved by the Presbyterian church. During the same period Bellevue College gave up the charter as the University of Omaha under the expectation of being included in the new charter for the University of Omaha. Dr. Stookey retired from the presidency in the middle of the college year, 1913-1914. Professor William E. Nicholl, an alumnus of the college, dean of the faculty and head of the department of education, was made acting president. Dean Nicholl served most acceptably until July,

having so large a territory that would naturally be tributary to them. Hence the Presbytery of Kearney, covering at that time all the western portion of the state, on September 2, 1881, took steps toward organizing a presbyterial academy at Hastings. At the next meeting of the synod this action was approved, and the coming institution commended to the confidence and support of the churches.

The first board of trustees incorporated the institution as Hastings College, May 10, 1882, and secured an initial subscription of \$10,000. The educational work began September 13, 1882, and has continued without interruption to the present time.

President Ringland resigned in 1895 and Professor W. N. Filson was acting president until 1896. He was succeeded by S. G. Patterson who served as president until 1902. Again Professor Filson was called on and continued in office until June, 1903, when E.

Van Dyke Wight, D.D., became president. Dr. Wight was president for five years. When he resigned the trustees elected President A. E. Turner, LL.D., who resigned in February, 1912, to take up work in Philadelphia. In June of the same year the trustees elected R. B. Crone, Ph.B., of Iowa. President Crone came to the college and Nebraska with a reputation for good school work and with well defined educational ideas. This reputation he had earned by fifteen years of earnest and successful work as superintendent of schools in the state from which he came.

McCormick hall, which was completed in 1884, and Ringland hall in 1885, have been followed by Alexander hall in 1907—a dormitory for young women—by Carnegie library and science building in 1909, and by Johnson gymnasium and domestic science hall. Hastings College has gained and holds a high place among the colleges of the country. The college has graduated 198 students with the regular bachelor's degree. There has been an increased enrollment especially during the last four years. The interest-bearing endowment is now more than \$200,000. The plans of President Crone, the purpose of the trustees, and the efforts of friends are to increase greatly the funds and equipment of the college to the end that the institution may minister to larger and larger numbers of young men and women who seek and who need college education.

THE OMAHA SEMINARY. The plan to establish a theological seminary in Omaha was indorsed by the General Assembly of the Presbyterian church at a meeting held in Detroit in 1891. The seminary was incorporated in February, 1891, by representatives of the synod of Nebraska, Kansas, South Dakota, Iowa, and Missouri. The directors secured the use of the Second Presbyterian Church building in Omaha, and the work of the seminary was begun in September, 1891. Later, the board of directors decided that the school was too far from the city and the business and educational interests of Omaha, and a new site was sought and secured. The Cozzens House, at the corner of Ninth and Harney streets, was purchased by Mrs. William Thaw

of Pittsburgh, Pennsylvania, and Thomas McDougall of Cincinnati, Ohio, and presented to the seminary. In 1903 the seminary erected a \$50,000 brick building on two blocks of ground lying adjacent to the Florence boulevard and Spencer street in Omaha. This is an attractive and valuable site in North Omaha and is a property of which the church and all the city can well be proud. The building is well equipped for use as a modern theological seminary and annually sends forth a class of young men fitly qualified to make the world better for their part in it. Charles Vanderburgh of Minneapolis, Minnesota, left a legacy to the seminary. The money was expended in the erection of what is known as the "Vanderburgh House." It is used as the residence of the teaching staff.

The institution stands for "The faith once delivered to the saints." The purpose of the seminary is to ground the students in the teachings of Christ and to cause them to do faithful and skilful work in the fields to which they are called. Fitness for the sacred work of the ministry and qualifications for the life and service of today are constantly kept before the students. The object of the institution is set forth thus in the constitution of the Presbyterian church in the United States of America: "The object of the Seminary shall be to instruct candidates for the Gospel ministry in the knowledge of the Word of God contained in the Scriptures of the Old and New Testament, the only supreme and infallible rule of faith and life, and of the doctrine, orders and institutes of worship taught in the Scripture and summarily exhibited in the Constitution of the Presbyterian Church in the United States of America; to cherish in them by all the means of divine appointment, the life of true godliness; to cultivate in them the true gifts which Christ the Head of the Church, by His Spirit, confers upon those whom He calls to the ministry; and to impart to them, so far as may be, the various learnings by which they may be furnished for the work; to the end that there may be trained up a succession of able, faithful and godly ministers of the Divine Word."

The first faculty consisted of the Rev.

William A. Harsha, D.D., LL.D., professor of diction and polemic theology; the Rev. Stephen Philps, D.D., professor of ecclesiastical, homiletical and pastoral theology; the Rev. John Gordon, D.D., professor of ecclesiastical history; the Rev. Matthew B. Lowrie, D.D., professor of New Testament literature and exegesis, and the Rev. Charles G. Sterling, Ph.D., professor of Hebrew, with the Rev. Thomas L. Sexton, D.D., as lecturer on home missions.

The Rev. Matthew B. Lowrie, D.D., was elected president of the seminary in 1899, and was succeeded by the Rev. A. B. Marshall, D.D., in 1910.

The faculty for the college year 1917-1918 is as follows: the Rev. Albert B. Marshall, D.D., president and professor of homiletics and pastoral theology; the Rev. Joseph L. Lamp, Ph.D., D.D., professor emeritus of Hebrew, Old Testament literature and exegesis; the Rev. Frank H. Riggley, Ph.D., professor of Hebrew, Old Testament literature and exegesis; the Rev. Daniel E. Jenkins, Ph.D., D.D., dean and professor of diction and polemic theology; the Rev. Charles A. Mitchell, Ph.D., D.D., professor of New Testament literature and exegesis; the Rev. Charles Herron, D.D., professor of ecclesiastical history and missions.

Special lectures are given this year by Professor J. M. Coleman of Bloomington, Indiana, on studies in Christian socialism; the Rev. Henry C. Mabie, D.D., of Boston, on the significance of the cross and foreign missions; and the Rev. W. S. Marquis, D.D., of Chicago, on the Presbyterian United Movement.

GRAND ISLAND COLLEGE. Grand Island College is under the auspices of the Baptists of Nebraska. At their first state convention in 1867, with not more than half a dozen feeble churches of their faith in existence, the Nebraska Baptists passed a resolution looking toward the establishment of an institution of learning. They wanted a school that would train recruits for the evangelization of the world; where their young people, while preparing themselves for all forms of honorable service, would be educated in intelligent sym-

pathy with their denominational life and work.

In 1884, an education society was formed to bring about the establishment of a college under conditions that would augur success. This society became the delegated body of the whole denomination in the state. When the purpose of the society to found a college became known, six cities competed for the location of the new school. The offer of Grand Island was considered the most substantial and desirable. The gift of this city was a campus of ten acres, two buildings, and several acres of city property, the whole gift being appraised at \$60,000. This college property passed from the hands of the local building committee to the Nebraska Baptist Education Society, then to the American Baptist Education Society; thence to the trustees of Grand Island College.

The articles of incorporation provide that the trustees shall be twenty-one in number; that the board of trustees shall be a self-perpetuating body; that two-thirds of the trustees must be members of regular Baptist churches; that the president of the college, also, must be a Baptist. Aside from the provisions made with reference to the denominational relations of trustees and president, there are no restrictions made nor questions asked in regard to the denominational affiliations of teachers or students.

In October, 1892, Grand Island College opened as an academy under the presidency of Professor A. M. Wilson. Four instructors assisted the president. The first year was a disappointing one. It was generally expected by the denomination in the state, that the college buildings would be thronged with students the opening day. The school opened with thirty-two students in attendance. The enrollment increased to fifty during the year.

The American Baptist Education Society, which represented in part the generosity of John D. Rockefeller, offered \$5,000 to the new college on condition that \$15,000 more should be raised in Nebraska by January 1, 1894. It was stipulated that \$10,000 of the total sum might be used for current expenses. At the close of the school year about \$6,000 of the \$15,000 had been subscribed. Then the

financial secretary resigned in discouragement. Others connected with the college tried to complete the canvass for funds, but without success. The teachers were not paid; they found other places for service for the year ensuing; the president resigned; the students scattered, not expecting to return.

In 1893 Professor George Sutherland, of Ottawa University, was called to the presidency and continued in this office for eighteen years. At the time of his coming the panic of 1893 was in full blast. The college owed \$6,000, with some of the creditors clamoring for their money. The new president secured a new faculty; the school was changed from an academy to a college. The college opened with forty students in attendance; twenty-five additional students enrolled during the year. The most important thing attempted was the completion of the endowment effort. Of the \$9,000 needed to complete the \$15,000, \$6,000 was pledged in one evening at a Baptist state convention in Lincoln. With the enthusiasm generated by this success, it was not difficult to raise the remaining \$3,000. Little of the amount raised at this time could, by the terms of Mr. Rockefeller's offer, be used for current expenses. The most of it was set aside to become the nucleus of an adequate endowment. In scoring this success the college made the record of being the only college in the United States and Canada, working at that time under an offer of the American Baptist Education Society, that raised what it set out to raise within the stipulated time. Every other college thus working asked for an extension of time.

In 1896 another effort was made to increase the endowment. During the summer of 1895 the president visited many cities, in many states, and concluded that the east would again help the institution if its needs were strongly presented. At the close of his investigations he called on the secretary of the Education Society and the private secretary of Mr. Rockefeller, and received from them assurance of assistance. The college thereupon received a grant of \$7,500, conditioned on its raising the supplementary sum of \$17,875. To assist in securing this amount the Rev. Dr.

A. S. Merrifield was employed as financial secretary. Dr. Merrifield was indeed an apostle of Christian education. He solicited for the college for eleven years and raised altogether, for all purposes, generally in small amounts, over \$100,000. He and the president working together succeeded in raising the amount necessary to secure Mr. Rockefeller's benefaction together with other important gifts for current expenses and equipment.

Another campaign for endowment was made in 1900. The amount sought was \$35,000. The American Baptist Education Society, among its last gifts before going into commission, pledged \$10,000 on condition that the supplementary sum of \$25,000 should be raised in Nebraska. The campaign for this sum was largely in the hands of Dr. Merrifield. Excepting the city of Grand Island he canvassed the whole state and secured \$15,000. Grand Island alone contributed \$11,000. If there had been no shrinkage in the pledges made during the four campaigns, the endowment in 1901 would have reached \$70,000.

During these trying years several gentlemen of means became interested in the institution, chiefly on account of its successful struggles to maintain an existence. Mr. J. V. Hinchman of Iowa bequeathed \$10,000 for endowment and instructed his executor to pay this sum to the college at his death or as soon thereafter as all the college debts were paid. To assist in paying these debts, which now amounted to \$15,000, Mr. L. B. Merrifield, of Illinois, pledged \$10,000. On receipt of this gift the bequest of Mr. Hinchman was secured. Struck with admiration for the institution that could live and thrive during the strenuous years between 1892 and 1901, Mr. John A. T. Hibbs, of Omaha, gave the college cash, bonds, United States certificates, and well located Lincoln lots to the amount of \$15,000. The generosity of Mr. Hibbs made possible the construction of Hibbs Hall. Other men of means in Nebraska and elsewhere have made Grand Island College a beneficiary in their wills. If these wills, which are not probated, shall yield a percentage equal to those that have already been probated, the

future of the college will be very bright indeed.

Up to June 6, 1911, 2,234 different students were enrolled in the institution and are credited to the following departments: college, 233; academy, 697; normal, 247; commercial, 269; music, 750; art, 49. How long each of these students remained in school would be difficult to compute. On the average 117 new students enrolled each year. Excluding music students, the yearly enrollment of college students has been about 175. Including music students about 225 have attended the various departments of the college. The conservatory of music attracts large numbers, but it does not seem to be vitally connected with the rest of the school and its increase does not greatly increase the prosperity of the college.

After the resignation of Dr. Sutherland on June 10, 1911, Dr. L. A. Garrison, A.M., D.D., became president. For the five years previous to his coming to Grand Island College he had been president of Central University at Pella, Iowa. He continued with the college two years. During his presidency the foundations of a gymnasium were laid. Dr. Garrison's successor was the Rev. G. W. Taft, D.D. He came from the pastorate of the Baptist church at Hastings to the educational work of the college. He employed many of the methods of a successful pastor in his administration of the affairs of the college and succeeded in making many personal friends. After three years he retired, November 1, 1917, from the office and college. The trustees elected as his successor E. F. Jorden, D.D., Ph.D. Dr. Jorden came to the college with an enviable reputation as an educator and college builder. He had been president of Sionx Falls College, South Dakota, for ten years and had done great work. His plans and leadership resulted in additional buildings for the institution, in a faculty of capable men and women, and in a large body of students. He is energetically devoting himself to Grand Island College. The friends of Dr. Jorden and the friends of the college believe a great educational work is to be accomplished.

UNION COLLEGE. Educational work among the Seventh-day Adventists in the Mississippi valley began with the "Minnesota Conference School," at Minneapolis, in the fall of 1888. This school was held three years in the basement of the Seventh-day Adventist church at the corner of Fourth avenue and Lake street. It enrolled each year over one hundred young men and women as students. From the first, the accommodations were too small and were otherwise unsuitable, hence a council was held at Owatonna, Minnesota, May 20, 1889, to plan for better facilities. This meeting was attended by Professor W. W. Prescott, president of Battle Creek College and educational secretary of the denomination; Pastor A. J. Breed, president of the Wisconsin conference; Pastors W. B. White and N. P. Nelson, from Dakota; Pastors H. Grant, Allen Moon, and F. L. Mead, representing the Minnesota conference; and C. C. Lewis, principal of the Minneapolis school. At this council it was recommended that the several conferences of the northwest unite in establishing and maintaining a well equipped and centrally located school, and that a committee be appointed, consisting of two members from each conference, with power to act in the matter of building and opening such a school. The committee was called to meet again at Owatonna in July, 1889.

The meeting thus appointed was not held. Before the time arrived, the idea had entirely outgrown its original form. At a meeting held at Lincoln, Nebraska, a few weeks later, a large council recommended the establishment of an educational institution of college grade which would serve all the conferences of the Mississippi valley.

At the annual session of the general conference held at Battle Creek, Michigan, in October, 1889, it was decided to establish a college, under the auspices of the denomination, at some point between the Mississippi river and the Rocky mountains. A committee was appointed to select a suitable location. Invitations, accompanied by promises of a substantial bonus, were received from various

cities in Iowa, Missouri, Kansas, and Nebraska. The committee spent some time in investigating these places, and considering the advantages offered. While the question of a central location with reference to the territory from which the patronage was expected was regarded as an important one, there were other considerations also that were deemed to be weighty. The general atmosphere of the community and its attitude toward education in general are important features in deciding a question of this character. It was found that while Lincoln was comparatively a new city, it was at the front in its efforts to ad-

citizens of Lincoln and vicinity donated three hundred acres of land, three and three-fourths miles southeast of the state capitol, and the general conference association of Seventh-day Adventists gave a bond of one thousand dollars to erect, by July 1, 1911, buildings to cost not less than seventy thousand dollars. The raising of funds and the erection of the buildings were under the direction of A. R. Henry, agent and attorney-in-fact for the general conference. W. C. Sisley was the architect and superintendent of the work. Pastor J. P. Gardiner, president of the Nebraska conference, and J. M. Morrison, one



UNION COLLEGE

vance the well being of its citizens. Its substantial school buildings, its many and well built churches, and the fact that it was the seat of three universities already, with a prospect that this number would soon be increased, testified to the interest of its citizens in education and religion. These considerations, together with the hearty interest shown in the project by leading citizens and the offer of very substantial aid, led the committee, at a meeting held at Knoxville, Iowa, June 28, 1890, to determine upon the city of Lincoln as the location of the new institution, which was afterwards named Union College. The

of the first builders at College View, with others too numerous to mention, labored strenuously for the success of the enterprise.

On April 10, 1890, ground was broken for the main college building, and on May 3d the first stone was laid. There were many difficulties in the way, but all were overcome, and the buildings were ready for dedication September 24, 1891. On that occasion the chapel, with a seating capacity of five hundred, was filled to overflowing with citizens from Lincoln, College View, and the surrounding country. Pastor O. A. Olsen, president of the Seventh-Day Adventist general conference,

presided, and opened the exercises with prayer. Professor Wm. P. Aylsworth, of Cotner University, conducted the scripture reading. W. S. Siley presented to the trustees the keys of the college buildings, accompanying the presentation with a history of the work of building. A. R. Henry, on the part of the trustees, received the keys and responded in an appropriate address. The chief address of the occasion was delivered by Professor W. W. Prescott, the first president of Union College. In this address he emphasized the three leading features of Christian education as consisting of the study of God's word in the revelation of the Bible, the study of His works in nature, and the study of His dealings with men and nations as revealed in history. Chancellor James H. Canfield, of the University of Nebraska, followed with an appropriate speech of welcome, delivered in his happiest manner. The dedicatory prayer was offered by Pastor Uriah Smith, editor of the *Review and Herald*, Battle Creek, Michigan, and the benediction was pronounced by Pastor W. B. White, president of the Nebraska conference.

The first board of managers and the first faculty of Union College were as follows:

Board of managers: A. R. Henry, president; W. C. Sisley, secretary; W. B. White, J. P. Gardiner, J. H. Morrison, A. J. Breed, W. W. Prescott. Faculty: William W. Prescott, president; James W. Loughhead, principal; Charles C. Lewis, higher English and Hebrew; E. L. Stewart, mathematics; John A. Bobbs, biblical history and literature (died the day before school opened); C. Walter Irwin, Greek and Latin languages; George A. Droll, natural sciences; Joel C. Rogers, general history; O. A. Johnson, Scandinavian department; Professor Severin, German department; Ida E. Rankin, preceptress; Mrs. Cora M. Loughhead, assistant in English language; Mrs. Lydia M. Droll, assistant in Latin; Angelia Washburn, assistant in mathematics; Effie M. Rankin, superintendent of domestic department; Alma J. Warren, physical culture; Lars Nelson, steward.

When Union College was founded there were only two or three farm houses in the vicinity, and no trees but a few locusts and

cottonwoods on the campus. Now College View is a pleasant village of about seventeen hundred inhabitants, well shaded with fruit and ornamental trees. It is far enough from the city to avoid its noise and smoke and excitement, yet near enough to obtain its benefits. By its charter no saloon can ever be erected, nor intoxicating drinks be sold, within its limits. Electric cars run between the campus and Lincoln, thus connecting sufficiently the village with the city.

The college campus consists of twenty-two acres upon elevated ground, commanding an extensive view in every direction, and overlooking the city of Lincoln. The grounds have a natural slope, thus affording perfect drainage, and are carpeted with blue grass and clover sod, dotted with trees, thus producing a restful and pleasing effect. The main building stands well forward in the midst of the campus, and is flanked by North and South halls, retiring modestly a little to the east.

The main college building is 80 x 140 feet, four stories in height. It is surmounted by a tower, which was furnished by the students with a two thousand pound bell. North hall is 130 x 68 feet, four stories in height. South hall consists of the main part, 38 feet square, with two wings, each 36 x 60 feet. All of these buildings are veneered with pressed brick, and have stone basement and trimmings, and no pains have been spared to render them well adapted to the purpose for which they were designed. Special attention has been paid to the matter of heating and proper ventilation and to other sanitary conditions. The buildings are heated by one centrally located boiler house, a building covering about one hundred feet square, with laundry and electric light plant all under one roof. The class rooms of the main building are large, well lighted, and steam heated. The chapel is a beautiful room, seated with opera chairs, with accommodations for about five hundred students. In the main building, besides chapel and class rooms, are the business office, president's office, the faculty room, laboratories, library and reading room, music rooms, gymnasium, museum, and book store. The dormitory, or South hall, as it is usually called,

is a comfortable substantial structure, located a few rods south of the college building. The buildings are all heated with steam and lighted with electricity, and are provided with bath rooms and a perfect sewerage system, so that everything possible is done for the comfort and convenience of the students. Fire escapes are providing for each building, and a well-organized system of fire protection is maintained.

The Nebraska Sanitarium stands a few rods north of the main college building. Originally, it was built as a dormitory for young men, and was called North hall; but as academies and intermediate schools were established in the different conferences tributary to Union College, thus accommodating many of the preparatory students, this building was not so much needed for its original purpose, and was leased to the Nebraska Sanitarium Association in 1896, and finally sold to the same association in 1905.

The entire property, as estimated by appraisers appointed by the state, was originally valued at \$305,000. The college property now, since the sale of the building for sanitarium purposes, is valued at about \$200,000.

When William W. Prescott resigned the presidency Charles C. Lewis, who was professor of Hebrew and higher English, was appointed. He continued in office until the summer of 1910. When he resigned the trustees elected as his successor Frederick Griggs who was at the time general secretary of education for the church with headquarters in Washington, D. C. Mr. Griggs in 1914 retired from the college to take up again the work of secretary of the general educational board. The trustees elected Henry A. Morrison, A.M., president. Professor Morrison was, at the time of his election to the presidency, a member of the faculty and head of the department of mathematics. In connection with the administrative work of the college Mr. Morrison retains the direction of the mathematical work. There has been an encouraging and substantial growth in the college from year to year from the beginning of its history. The gains have been especially marked during the past four or five years. A

building for the bakery business has been erected at a cost including the equipment, of \$10,000. A modern dairy barn has been put up at a cost of \$6,400 and a herd of especially fine cattle has been developed. For the purpose for which the barn was constructed it is regarded by good judges as one of the best to be found anywhere. In addition to those already mentioned, about \$15,000 has been spent in repairing and improving the buildings. During the last four years there has been a gain in the number of students of about thirty-five per cent. During the lifetime of the institution, which began in September, 1891, there has gone out about two hundred teachers and students as missionaries. Twenty-five of this number have gone to foreign fields within the last four years. The college during the last three years raised the money and paid off debts of \$72,000. This effort took off a heavy burden as it placed the institution free of any debt. The president, faculty, and teachers greatly rejoice in the fact that there are no debts. And more particularly do they rejoice that this condition gives them the time and freedom to devote their thought and energy to the development of the institution. It enables them to look forward to the time when Union College shall occupy the place and possess the strength for which they have been hoping and striving from the day it was determined at Knoxville, Iowa, June 28, 1890, to establish and maintain at Lincoln, Nebraska, an institution of higher education.

EVANGELICAL LUTHERAN TEACHERS' SEMINARY (NORMAL), SEWARD, NEBRASKA. This institution was founded, 1893, by the German Evangelical Lutheran Synod of Missouri, Ohio, and other states. The organization was the outcome of a demand for such a school in the west other than the one at Addison, Illinois. Four members of St. John's Evangelical Lutheran church of Seward, Nebraska, offered twenty acres of ground and \$8,000, and the college was located at this point. The donors to this fund were Herman Diers, J. F. Goehner, O. E. Bernecker, and P. Goehner. The present board of trustees is as follows: The Rev. C. H. Becker, president; the Rev. H. Miessler, secretary, Columbus, Nebraska; O.

E. Bernecker, J. F. Gochner, Herman Diers, and Paul Herpolsheimer, treasurer, all of Seward, Nebraska. The members of the faculty are the Rev. Prof. Weller, director; Prof. J. A. F. Strieter; Prof. Karl Haase, professor of music; Prof. H. B. Fehmer; the Rev. Prof. Aug. Schuelke; Prof. J. T. Link; the Rev. Prof. Paul Reuter. The growth of the school has been steady and satisfactory. From an enrollment of fourteen the first year, the number has increased each year, until last year the number was 120. Most of these students come from Nebraska, some from Missouri, Kansas, Iowa, Texas, Oklahoma, South Dakota, Minnesota, and Germany. The principal business of the college is the fitting of teachers for parochial schools, the course of training being about the same as in the Nebraska state normals, with the addition of religion and music. A teachers' training school is maintained in connection with the college. The main building, lecture hall, containing six class rooms, a large (36 x 80 feet) assembly hall, library rooms, office, etc., is built of brick. The second building, the oldest, has a number of small and one large music room, living rooms, dormitory, lavatories, etc. A boarding hall and hospital are maintained, well equipped to care for 150 scholars. The demand for teachers is greater than the supply.

Prof. George Weller, who was the first teacher of the college in 1894, is the president of the faculty. He was born January 8, 1860, in New Orleans, Louisiana. Shortly after the war was closed his parents moved to New York City and after a short time to Fort Wayne, Indiana, where the son received his training in the parochial school of St. Paul's Evangelical Lutheran church. At the age of fourteen years he entered Concordia college of the Missouri synod at Fort Wayne. After graduating he took a theological course at St. Louis, Missouri, in Concordia Seminary, from which he graduated in 1882 and took charge of the Lutheran church and school at Marysville, near Staplehurst, Nebraska. Here he remained until he was elected as first teacher of the new institution at Seward, the Lutheran Seminary. He was married in 1882 to Miss Clara Eirich, of Nashville, Illinois. The chil-

dren born to them are John, Hulda, George, Elsie, Helen, Anna, Paula, Raymond, and Alfred. John, a graduate of the University of Nebraska, department of civil engineering, is engaged on the Panama canal. He achieved considerable fame as captain of the football team of the university in 1907. George is one of the teachers of St. Paul's Evangelical Lutheran parochial school at Fort Wayne, Indiana.

The Rev. Carl H. Becker became president of the college board of trustees and supervisors in 1901, when he was elected president of the Nebraska district of the Missouri synod, which position he still holds. He had been vice president of the district synod since 1891 up to his election as president. The Nebraska district, one of the twenty districts of the Missouri synod, was organized in 1882, and elected as its first president the Rev. John Hilgendorf, Arlington Nebraska, and as secretary the Rev. John Meyer, Davenport, Nebraska, who is still serving in that capacity. The district synod is composed of 147 ministers, 208 organized congregations, and 75 missions. The communicants number 23,877, and the total adherents, 42,028. There are 168 parochial schools in the district. Of these 55 are taught by parochial school teachers, the others by the ministers of the respective congregations, instructing 4,953 children. The Missouri synod has from its very beginning, in 1847, recognized the necessity of the Christian day school. As the state cannot provide it for obvious reasons, the congregations and the pastors of this synod considered it their duty to supply what the state cannot and shall not supply according to Scriptures and the constitution of our country. Parochial schools were taught and are taught by the clergy of the Missouri synod so long as the congregation is not in position to engage a teacher for that purpose. Synod maintains large institutions for the exclusive purpose of furnishing well trained teachers for the parochial schools. These institutions and schools are provided for by free offerings and collections of the congregations. They are maintained not from opposition to the state school. The Lutherans willingly pay their public school taxes as citizens

who love their country and "seek the peace of the city." But they consider as most important for the welfare of their children Christian education, not merely instruction in religion, but Christian training and nurture. Scripture teaches, experience verifies, and schoolmen who have grown up with and become renowned by their success in the state school work, testify to the fact that the education of children, not brought up in the nur-

Lutheran seminary. It is the only one of its kind in Nebraska. The denomination maintains an orphans' home at Fremont.

YORK COLLEGE. York College, York, Nebraska, is owned and operated by the church of the United Brethren in Christ.

An educational institution was talked of as early as the conference at Grand Island, which was in 1876, but nothing was really accomplished till 1886, when an academy was



YORK COLLEGE

ture and admonition of the Lord, is morally defective. Therefore these Lutherans maintain the Christian day school, and 93,890 children are educated in the 2,100 parochial schools of the Missouri synod, which is one of the Lutheran Synods of our country laying great stress on the Christian education of children. For this reason it maintains at an annual expense of thousands of dollars, among others, its institution at Seward, Nebraska, the

founded at Gibbon. This school was in operation for four years, C. M. Brooke, J. F. Lefler, and F. W. Jones following each other as principal. In 1890 the institution was located at York, a full collegiate department being added. York College has grown at a rapid rate. J. George, D.D., served as president for the first four years; W. S. Reese, D.D., for the next three years, and he was succeeded by Wm. E. Schell, A.M., D.D. M. O. McLaughlin is at

the head of the institution at the present time. Under his administration the college has rapidly come into the front rank among the colleges of the state. Collegiate, academy, normal, pharmacy, business, music, oratory, and art departments are maintained. The college has three good buildings. The equipments are first class in every respect. It has state recognition and issues all grades of state certificates. Its assets will reach about \$135,000. The surroundings are ideal, the advantages are second to none, and the rates are exceedingly low. Many graduates have already gone forth from its halls, and are doing a good and honorable part in the business and professional work of the great world. The enrollment of adult students for the last year was over five hundred. When Dr. Schell resigned the presidency of the college to accept the office of educational secretary for the denomination the board of trustees elected as his successor M. O. McLaughlin of Omaha. President McLaughlin was at the time of his election the minister of the United Brethren church in that city. The work in all departments of the college has continued to grow, and the reputation of the institution for earnest and devoted work has constantly increased. President McLaughlin and those associated with him understand the demands upon the college as an institution of higher education, and they are measuring up to the demand in a masterful way. The years, as they come and go, are seeing the endowment increasing, the student body enlarging and the influence of the college extending.

NEBRASKA CENTRAL COLLEGE. Nebraska Central College, Central City, Nebraska, is owned, maintained, and conducted by an organization of the Friends in Nebraska. The organization was made early in the year 1896. The articles of incorporation were signed October 4, 1898. The corporate name of the organization which controls the college is "The Nebraska Church and Educational Association of Friends." The purpose and scope of the organization are presented in these words: "To establish and maintain at Central City, Nebraska, an educational institution for instruction in the higher branches of learning, of

such grade and character as the situation may demand and the patronage justify." The property was deeded to the Association of Friends free from obligations of all kinds. Thus the people of the church secured the property at Central City free of charges of every kind. This freedom from debt in the beginning has had much to do in determining the financial policy of the church towards the college and, also, the policy of the institution itself. The officers and trustees of the Association of Friends were made an executive board and to this body was committed the management of the college. The doors of the institution were opened for the reception of students in September, 1899. The college was continued under the management of the executive board until 1908. At this time the Nebraska Yearly Meeting of the Society of Friends was organized. When this was accomplished the college was placed under its care. From that date the college has represented the educational work of the Yearly Meeting. Besides the main building the college owns a boys' dormitory and a dormitory for girls. Besides the college courses the institution maintains an academy. Both the college and the academy are accredited to the University of Nebraska.

From May, 1904, until June 1, 1917, Elie H. Parisho, Ph.B., A.M., was president. Professor Parisho resigned and the board of trustees on January 8, 1917, elected Homer J. Coppock, A.B., A.M., to the position. The institution prospered under the administration of President Parisho and the earnest, devoted work is being continued under the leadership of President Coppock. The first class was graduated in 1903, and year by year since that date the alumni have been increased. A campaign conducted by the Nebraska Yearly Meeting for funds for the college and for the church extension work was closed August 15, 1917. The net result for the college was \$50,886.75. This is considered a good foundation on which to build the endowment fund.

LUTHER COLLEGE. The founding of Luther Academy at Wahoo, Nebraska, was inspired by the ideas and ideals expressed in the following sentences: "No people that neglects the training of the ideal side of man's nature can

prosper. The Pilgrim Fathers of our church in the state recognized this fact, and acted accordingly. As soon as a rude shanty or sod house on the plains was built they planned for a congregation and a church. In less than twenty years they were ready for the second step, an institution of higher education."

So far as history makes any record, the first person to give expression to the idea that an institution of learning ought to be established was made by the Rev. J. E. Nordling. Mr. Nordling and the Rev. S. G. Larson were strolling about the part of the country where the college buildings now stand when he said to Mr. Larson; "What a beautiful site for a school?" In the summer of 1882, the Rev. J. P. Nyquist came to the Swedish Lutheran church at Malmo. He aided in establishing Gustavus College in St. Peters, Minnesota, and was very much interested in having an institution of learning of like character in Nebraska. The need of an institution of higher learning was discussed publicly first at a mission meeting held near York, Nebraska, in November, 1882.

A committee to take up the question was appointed. It consisted of the Rev. J. P. Nyquist, C. J. E. Harterus, and E. A. Fogelstrom. After investigation and consideration of the advantages of different places the committee agreed in March, 1883, to locate the college at Wahoo. It was stipulated that \$6,000 should be raised in Wahoo and \$4,000 by the friends of the enterprise in the churches in Mead, Swedeburg, and Malmo. This \$10,000 with the campus of ten acres where the buildings now stand, were the material beginnings of Luther College. The articles of incorporation were filed March 29, 1883. Plans for the main building were accepted the first of May of that year. The corner-stone for the south wing of the building was laid July 23, 1883. The school was opened for students October 18, 1883. The roll for the first year contained the names of thirty-seven students. The beginning years were in some respects especially difficult. The Swedish churches were not many in number at that day in Nebraska and the number of persons who could contribute money

to build and maintain an institution was comparatively small. But those who had entered into this college enterprise faced the many difficulties with faith and hope, with courage and intelligence, with zeal and determination. Debts were paid, money was raised, students were found, buildings were erected, equipped, and supplied, a library was started, a reading room was arranged, and courses of study were constructed.

The academy sent out the first class of graduates, nine in number, at the commencement, May 20, 1886. The Rev. Martin Noyd was the first president, who, with Prof. S. M. Hill, did the academic work for the first few years. As the years have come and gone new and additional courses of study and departments of work have been added, the number of students has increased, the interests of the college have taken hold of the people in whose behalf the institution was established, and the circle of influence has continued to enlarge. The completion of the new building in 1903 marked an era in the history of the college and most naturally that event linked the past with the future of the institution. The dedication of the building after twenty years of life and work gave an opportunity to recount the steps that had been taken during that period. Addresses were made calling up memories of the past and looking to the successes of the future. Among those who took part in the exercises were Dr. C. A. Swanson of Lindsborg, Kansas; Dr. Nord, the first president of the institution, and the Rev. O. J. Johnson, who was president of the college at the time of dedication. The years which have followed this planting of a milestone which marks a stage in the progress in the institution have been full of hope and accomplishments. The roll of students from year to year shows a slow and at the same time a healthy and appreciable growth. The policy of the institution from the beginning has been to maintain a faculty of men and women of religious faith and character, of intellectual sight and insight, of mental ability and intelligence, of educational vision and ideals, and of moral earnestness and appreciation. These fundamental and outstanding characteristics of the college have

at no time in the history been more marked and distinctly recognized than at the present time under the presidency and leadership of the Rev. A. T. Seashore. President Seashore cultivates freedom of thought and action, guided and tempered by aspirations for the best and the highest things in life and conduct, and inspired by the sanctions of things divine and eternal.

Among the teachers who have been connected with the college we find Dr. S. M. Hill, who was faithful to his duties for thirty-two years. He is professor emeritus and in consideration of his long and devoted services receives a pension. Mrs. J. H. Foldman served faithfully and endeared herself to the students by twenty-three years' continuous work. President O. J. Johnson, D.D., now president of Gustavus Adolphus College, was the administrative head of Luther College for twelve years.

During the last seven years the Park Association has greatly beautified the campus, giving it a very inviting appearance. The park-like appearance and conditions would be a credit to any community. At the present time the college is represented on the foreign mission fields in the continents by twenty-one persons who have been students. One who is familiar with the life and work of the college says that no one can estimate the influences for good which have been exerted during the thirty-four years of the history of the college. He adds that there is scarcely a corner on the earth that is not a little better because of the training men and women have received in her chapel and class-rooms. The long file of the farmers, merchants, bankers, salesmen, doctors, engineers, professors, teachers, artists, ministers, and missionaries is a record of which any institution may well be proud. Luther College has been an honor to the people who have supported it, to the devoted men and women who have made up her faculty, to the city of Wahoo, and to the state of Nebraska.

UNIVERSITY OF OMAHA. The college catalogue for 1915-1916 gives the following statement concerning the beginning and progress of this institution of learning: "The Uni-

versity of Omaha owes its existence to a felt need for an institution of learning in Omaha. Such an institution could not well have its origin elsewhere than in the spirit of philanthropy and devotion to civic welfare. Actuated by this spirit and by a conviction that the time was ripe for action, a group of representative citizens, in the early summer of 1908, organized a board of trustees and began the active promotion of the movement for the founding of a university under Christian ideals and influences but, at the same time free from ecclesiastical control. The board of trustees was incorporated on October 8th, 1908. The articles of incorporation defined the object for which the university was founded in the following terms: 'The object of this incorporation shall be to establish, endow, conduct and maintain a University for the promotion of sound learning and education, such as is usually contemplated in colleges and universities, under such influences as will lead to the highest type of Christian character and citizenship, with the Bible as supreme authority.'

The university was opened for the enrollment of students November 14, 1909. The ground and buildings are in the city of Omaha at 3612 North Twenty-fourth street. Early in 1916 the trustees secured an option on forty acres of land as a site for the institution and for new buildings.

As soon as the option was secured the trustees began a campaign for funds with which to erect buildings. It was the purpose of the trustees to erect at first two buildings on the new site. It was planned that each building would cost about \$50,000. George A. Joslin started the subscription with \$25,000, and other enterprising citizens were ready to aid with equal liberality. Before all the plans had been matured and before many steps had been taken to carry this work to a successful end the war in Europe came on and conditions changed. Instead of occupying the new site it was determined to continue the work on the campus where it was started. The grounds contain the John Jacobs gymnasium, and Joslyn hall. The gymnasium is modern and well equipped. When it is used as an

auditorium about 1000 people can be seated. Joslyn hall houses the chapel, college offices, class rooms, laboratories, library, and art rooms. Mr. Joslyn's \$25,000 was the first subscription to the building. With the furnishing the building cost \$175,000. As soon as the war conditions will permit a campaign will be made for productive endowment. Small sums have already been contributed for endowment. Also provision has already been made in the wills of some citizens to this worthy end. The Stoddard scholarship and the Spalding scholarship have become permanent endowments. While the Omaha Theological Seminary has no legal or organic connection with the University of Omaha the two institutions work together by interchange of instruction and academic credits. The university sustains a course of study for students who expect to take the regular medical course of study and to practice the profession. There is maintained likewise a school of law. For the college years 1916-1917 the enrolment, including the students in the summer school, was 386.

Among the institutions of higher education in Nebraska the University of Omaha occupies a unique position in some respects. Nearly all of its students are from the homes of Omaha people. Because of this condition some of the problems of the college are local and are to be solved by the people of the city.

The university has the following departments: Liberal arts and sciences, art, home economics, law, and medical preparatory. It is authorized to confer the bachelor of arts and the bachelor of science degrees, and also, the master of arts and master of science degrees. The policy of the university has been to maintain a faculty of earnest, devoted capable men and women, whose lives, teachings, and influence have been pronounced for culture, for scholarship, and for character. President Daniel E. Jenkins, Ph.D., Dean Walter N. Halsey, M.A., and Miss Selma Anderson have been with the institution from the opening day. Other members of the faculty for a shorter time have been equally loyal and devoted. The growth in equipment and en-

largement in every department insures a future of great usefulness.

BROWNELL HALL. Brownell Hall, an Episcopal boarding school for girls, was founded September 17, 1863, and is in point of continuous existence the oldest school in the state. When, in 1860, the Rev. Joseph C. Talbot was consecrated bishop of the Northwest, he found three parishes in Nebraska territory. One of these was at Nebraska City. On the site of old Fort Kearney, now embraced within the limits of Nebraska City, still stands the old church which awaited his ministrations. He decided to found a girls' boarding school in or near the city of Omaha. Between Omaha and Florence, about three and a half miles north of Omaha, lay Saratoga, then fraught with as many civic possibilities as its northern or southern neighbor. Numerous springs abounded. Why should not Saratoga become a second Saratoga Springs? In 1859 an enterprising group of men formed a company and erected (on paper) a town called Saratoga Springs. On the main street they built a hotel located at what is now Twenty-fourth street and Grand avenue. As it proved more a resort for summer than a summer resort, the hotel was closed after the first season. In 1861 Bishop Talbot bought the property for \$3500 for his school. As a large part of the purchase money came from Connecticut the school was named in honor of its bishop, "Brownell" Hall. The young ladies were not permitted, for fear of Indians, to visit the various springs, except in groups.

The weekly *Nebraskian*, of Omaha, of September 18, 1863, gives the following account of the opening of Brownell Hall:

"We witnessed yesterday the opening exercises of Brownell Hall, the new Episcopal Seminary, about three miles north of the city of Omaha.

"The institution, we are happy to state, commences under the most favorable auspices. It has an able faculty, consisting of Rev. O. C. Dake, A.M., Principal; Miss Helen M. Liddiard, Miss M. Louise Gillmore, assistants; Miss Sarah J. Miser, Music Teacher, and is we believe, upon a sound financial basis. The present buildings have thirty-four rooms and

can accommodate thirty boarders. There is every prospect that this number will be obtained in a few weeks."

The school opened with pupils from Nebraska City and vicinity, Bellevue, Florence, Omaha, Fontanelle, and Decatur, forty in all. Sometimes pupils came from Nebraska City by boat, and from other towns, either in private conveyances, lumber wagons, or stage coaches. Day pupils from Omaha went back and forth in an omnibus, or the "Black Maria."

The Rev. O. C. Dake, rector of Trinity parish, in Omaha, was its first principal and rector. The head teacher was Miss M. Louise Gillmore. Her young sister, Mrs. Hattie Gillmore Hough, still living in Chicago, was the first boarder, Miss Miser was the first music teacher, Miss Root the second; Miss Helen Liddiard was matron. The first class presented for confirmation consisted of Miss Ophelia Taylor, Miss Elizabeth May Davis, and Miss Elizabeth Stillman Arnold. In 1867 the Rev. Samuel Hermann, of Hartford, Connecticut, the rector, organized a branch school for day pupils, first in the old state house, and later at "250 Dodge Street," being between Fourteenth and Fifteenth streets.

The first class, consisting of Mrs. Helen Ingalls Drake and Mrs. Helen Hoyt Burr, was graduated in 1868.

The Omaha *Herald*, of July 10, 1868, says of the first commencement:

A large concourse of our citizens attended the closing exercises of this popular educational institute on last Friday. The proceedings opened with prayer, after which the opening chorus was rendered with a very harmonious and pleasing effect by the young ladies of the seminary. Next was a duet polka by the Misses Nellie Clarkson [now Mrs. Fred Davis] and Morton.

Music, Mazurka, by Miss Libbie Poppleton [now Mrs. Shannon].

Song, "Something Sweet to Tell You," by little Jennie Morrison.

Music, "Andes," Miss Helen Ingalls [later Mrs. Drake].

Reading of the Chimes by Miss Penfield, editress.

Music, "Fra Diavola," quartet, Misses Ingalls, Jordan, Poppleton and White.

Reading reports and awarding of prizes.

Song and duet, "In the Star Light," by the young Misses Poppleton and Sears.

Music, quartet, by Misses Jordan, Ingalls and Clarkson.

Bishop Talbot, having been transferred to the diocese of Indiana in 1865, the Rev. Robert H. Clarkson of St. James Church, Chicago, was consecrated missionary bishop of Nebraska and became the head of the school. Being of the opinion that the establishment of a day school in connection with the hall was advisable, and that its interests would be better subserved by removal of the institution to Omaha, it was decided to relocate. Accordingly, in November, 1868, Brownell Hall was incorporated. Its articles were signed by the following persons, names written large in the history of our state, and many of whose children and grand-children have been pupils of the school: Bishop Clarkson, Rev. Samuel Herman, Rev. Geo. C. Betts, R. C. Jordan, Geo. W. Doane, G. C. Monell, C. S. Chase, J. M. Woolworth, John I. Redick, Benj. Alvord, Henry W. Yates.

On Monday, October 5, 1868, the school was opened in its new home on the corner of Sixteenth and Jones streets, a three-story wooden building, heated by coal stoves, lighted with coal-oil lamps, and supplied with water from a well. Here it remained until January 4, 1887.

The rector resigning in February, 1869, Bishop and Mrs. Clarkson left their own comfortable home and took under their own personal supervision the conduct of the school, the bishop himself teaching and Mrs. Clarkson acting as matron and housekeeper. In 1869 Miss Elizabeth Butterfield, of Racine, Wisconsin, was retained as principal. Imbuing all about her with something of her own efficiency, nobility of character, and Christian grace, the school grew in numbers and in spiritual and educational attainment. In August, 1887, Miss Butterfield resigned and was married to the Hon. James M. Woolworth.

In 1871, Mrs. P. C. Hall, a sister of Bishop Clarkson, was principal, the Rev. George Paterson, secretary, and Mrs. Paterson, matron, the bishop himself being chaplain and visitor.

Mrs. Hall possessed the very rare gift of inspiring in her students a permanent interest in the subjects taught. Miss Lucinda B. Loomis, a pupil of the school, well known in Omaha and Lincoln, especially in university circles, taught for nine years.

The hard times of the early seventies, the almost complete destruction of crops by grasshoppers, the consequent inability of many students to pay their bills, would have discouraged hearts less firm than the bishop's or Mrs. Hall's. Theirs was strength born of love and sympathy with all human kind. And if, as it is said, the voice responds most readily to the emotions, no wonder that those whom the bishop confirmed and upon whose heads he laid apostolic hands, said they could almost *feel* a special blessing come straight from our Heavenly Father, as they heard the bishop's wonderful voice saying, "Defend, O Lord, this Thy child with Thy Heavenly Grace; that she may continue Thine forever; and daily increase in Thy Holy Spirit, more and more, until she come unto Thy everlasting kingdom. Amen."

With the advent of the Rev. Robert H. Doherty, Mrs. S. H. Windsor, in 1875, and of Miss Emma Windsor, whom Dr. Doherty married, commenced a period of unprecedented growth. Side by side they labored for twenty-two years, until 1897. Although the old building at Sixteenth and Jones streets had been added to, it became entirely inadequate. A new building and new location were proposed. Bishop Clarkson had died in 1884, and the Rt. Rev. George Worthington succeeded him. Bishop Worthington bequeathed to the Hall eighty thousand dollars for scholarship endowment.

On June 12, 1886, the corner stone of the third building was laid at Tenth and Worthington streets. A hymn for the occasion was written by the Rev. H. B. Burgess of Platts-mouth, a pioneer clergyman well known throughout the state.

The new building, valued with its furnishings at \$125,000, was occupied January 4, 1887. It is entirely modern, four stories in height, built of brick, with ample grounds,

and very handsome. Connected with it is a gymnasium and infirmary.

In 1891, under Dr. Doherty's rectorship, there were reported seventy-three boarders and fifty-nine day scholars — the high water mark in attendance up to that time.

Some of Dr. Doherty's teachers remained in the school a long time. Among these were Miss Wallace, teacher of music, Miss Ethel Davenport, mathematics, Miss Kate Lyman, a Vassar graduate. In 1889, at the suggestion of Mrs. Windsor, an alumnae association was formed, having for its objects the promotion of a higher life in woman, the furtherance of the prosperity of the school, the encouragement of girls to take advantage of the opportunities for Christian education which Brownell Hall afforded. The association has founded a scholarship fund of \$3,000, the interest of which is used for the expenses at the Hall of a clergyman's daughter. It has presented valuable additions to the library, and through its endeavors Brownell Hall has been made an accredited school to our State University and to women's colleges.

In 1897 Dr. Doherty resigned, having in conjunction with Mrs. Doherty and Mrs. Windsor brought the school to the greatest prosperity and influence. Dr. Doherty's genial personality, his self-sacrificing devotion to the school, and ministrations in the remote parishes and missions of the state, will be ever held in grateful remembrance.

In 1899 the Rev. Arthur L. Williams was made bishop coadjutor of Nebraska, and served until the death of Bishop Worthington in 1908. Mrs. Louise Upton of Detroit was named as principal in 1898 and after three years of efficient service was succeeded by Miss Euphan Macrae. In her régime the school prospered in point of numbers and in scholarship and, especially, a greater interest was awakened in college education for women.

Upon Miss Macrae's resignation in 1909, Miss Edith Marsden, a college graduate, assumed the principalship, maintaining with an efficient corps of teachers the honor and standing of the school, whose present head is Miss Euphemia Johnson, and under whose admin-

istration the ideals, aims, and aspirations of the founders and teachers of the institution have been constantly fostered and developed, to keep pace with the ever increasing trend of education and the moral and spiritual progress of the age.

The school has lived its life under four bishops: Talbot, Clarkson, Worthington, and Williams, and except for their labors and those of Dr. Doherty, is almost wholly the product of women's work.

STATE NORMAL SCHOOL AT PERU. The legislature which met a few weeks after Nebraska became a state, March 1, 1867, passed the bill which authorized the State Normal School at Peru. The act was approved by the governor and became a law June 20, 1867. Like many of the schools of that day it began as a community enterprise. While the early settlers were cutting the timber found on the rich lands in the valley of the Missouri, and were breaking the uplands back from the river, they were thinking and planning for the future of the community and especially for the education of their children and youth. So far as is known the earliest movement was by the territorial legislature in granting a charter in 1860 for an institution of college grade. The matter was not carried any farther at that time.

The first plans after that are said to have been laid when seventeen citizens of Peru and vicinity met in a store building in September, 1865, and determined to establish a school. While a building was being erected the school was conducted in the basement of a dwelling house. Dr. J. M. McKenzie, afterwards so well and so favorably known as the president of the Normal School and as state school superintendent, was persuaded to leave a private school at Pawnee City and take charge of the school. Among the first acts of real importance which helped to determine the course of events was the purchase of the sixty acres for school purposes which are now the property of the Normal School. The grounds were bought by John Neal, Mrs. J. M. McKenzie, the Rev. Hiram Busch, and Major William Daily. The building Dr. McKenzie found and in which he and Mrs. McKenzie lived and

taught, was far from ready. This did not prevent them from taking up the work with faith and courage, with hope and determination. It was the expectation of those who were most interested and enthusiastic in the enterprise to secure aid in building the school and to gain a greater constituency in maintaining it, that it would become a seminary of learning under the direction of the Methodist church. The conference of the church was consulted with this in view. It was the judgment of those making up that body that the means could not be secured for such an undertaking.

Colonel T. J. Majors and Major William Daily were members of the legislature. Through their leadership and the assistance of others it was agreed to take over the property and establish a State Normal School. The first thought of these men was to establish at Peru the State University. The majority of the members in the legislature were controlled by the idea that the university ought to be at the capital city. When this became apparent the next thing was to take advantage of the situation and secure for the community and for the state a normal school. The effort was successful, and as already stated the act was approved June 20, 1867. The bill was both general and specific in its requirements. It provided that the Normal School should devote its instructions to persons who are preparing to teach in the public schools; that all branches should be taught which pertain to good common school education; that instruction should be given in mechanic arts, in husbandry and in agricultural chemistry, in the fundamental laws of the United States, and with regard to the rights and duties of citizens.

The bill required also that the grounds, buildings, and equipment of the Peru Seminary be secured by deed from the trustees to the state of Nebraska and that the grounds be devoted to the interests of the State Normal School.

The provision was made that the school should be under the direction of a body called the state board of education, consisting of seven members — five to be appointed by the governor, each, after the first appointments,

for five years, and two *ex officio* members — the state school superintendent and the state treasurer.

The law gives the board of education full power to buy and sell and to do all other things which relate to the progress and management of the school. Some things in the act tell us how well the members of the legislature understood the enriching power of the higher studies. It says, "Lectures on chemistry, comparative anatomy, the mechanic arts, agricultural chemistry, and any other science or branch of literature that the board of education may direct." The bill directs that the governor shall select and set apart for the endowment of the Normal School twenty sections of land belonging to the state and not otherwise disposed of.

The voices of history unite in saying that the Normal School has always had a capable and devoted faculty. The men and women who have presided in the class-rooms have been worthy of all praise for their scholarly attainments, for their sincere devotion, and for their worthy character.

Also it is agreed that it has been peculiarly fortunate in the twelve men who in the fifty-one years have been called to the presidency. The names and periods are as follows: J. M. McKenzie, A.M., LL.D., 1867 to 1871; Henry H. Straight, January, 1871, to September, 1871; A. D. Williams, A.M., LL.D., September, 1871, to June, 1872; General T. J. Morgan, A.M., June, 1872, to June, 1875; L. S. Thompson, A.M., June, 1875, to June, 1877; Robert Curry, A.M., LL.D., June, 1877, to June, 1883; George L. Farnam, A.M., June, 1883, to June, 1893; A. W. Norton, A.M., June, 1893, to 1896; J. A. Beattie, A.M., LL.D., June, 1896, to August, 1900; W. A. Clark, A.M., Ph.B., August, 1900, to June, 1904; J. W. Crabtree, A.M., June, 1904, to June, 1910; D. W. Hayes, A.B., A.M., June, 1910.

The student body has always been made up of a superior class of young men and young women; as a whole they have been animated with right aims and directed by true purposes.

The schools and firesides of Nebraska and elsewhere as well owe much to the teachers

who have gone out from the halls and associations of the Normal School at Peru. The grounds are beautiful, the buildings are good and commodious, the library and other equipment among the best, and the natural and acquired surroundings such as inspire true devotion and honest effort.

The fifty-one years of history are but a pledge and a prophecy of the good and accomplishments of the years to come.

STATE NORMAL SCHOOL AT KEARNEY. The legislature of 1903 authorized the establishment of the second State Normal School in Nebraska. Among the first provisions of the bill was the one which related to the location and that it should be selected by the state board of education. The act restricted the selection to a city or a town that shall be at a point west of a point not exceeding five miles east of the 98th meridian. By looking at the map of Nebraska it will be seen that this gave the board of education the opportunity to consider places along the line across the state which is marked by Superior, Clay Center, Aurora, Fullerton, Central City, Albion, Neligh, and all other places in the state which are west of these cities. Out of the ten or more places which asked for the school and were willing to comply with the provisions of the act and any requirements the board of education might see fit to impose, Kearney was selected.

The act required that the place to which the school would go must provide free of cost to the state for "the perpetual use of said school a suitable tract of land not less than twenty acres in extent," said land to be worth at least \$75 per acre. The legislature appropriated \$50,000 for the purpose of putting the act into effect.

The first building erected was the center wing of the main building. It was completed December 20, 1905. To this additions have been made. One of these is a very beautiful auditorium which was completed in May, 1917. The legislature of 1905 appropriated \$15,000 for equipment and for current expenses. Superintendent A. O. Thomas of the schools of Kearney was elected president. Dr. Thomas and the board of education selected an able body of men and women for a faculty. The

school was opened in June, 1905. As the building was not ready for use at the time of the opening and during this summer session, use was made of the building belonging to the Kearney high school. The first regular school year began in September, 1905. The school occupied the completed parts of the building for the first part of the year. It has been said that the enrollment for the first summer session (863 different students) was the largest for the opening session of any normal school in the United States.

The school has had a large field from which to draw students, and it has done everything that could be done by the president and members of the faculty to make it a worthy place in which to be in training for the profession of teaching. The library and other equipment are not only adequate for the present needs, but also they are increased as rapidly as they can be used to advantage. In common with the State Normal School at Peru, Wayne, and Chadron, there is given at the close of a full four years' course above the high school the bachelor of arts degree.

When Dr. Thomas left the school in the autumn of 1914, George S. Dick of the State College for Teachers in Iowa was elected president as his successor. The efficient work of the first years has been maintained by President Dick and those associated with him. They are building worthy structure upon the foundation which had its beginning in June, 1905.

SATTE NORMAL SCHOOL AT WAYNE. The State Normal School at Wayne was organized as a private normal school in 1891 by President J. M. Pile. It was continued under his management until the close of the school year, 1909-1910. It is not too much to say that the school prospered during the nineteen years of its history. Many young men and women look to their school days in the institution of that period and are glad they were taught and their characters formed by President and Mrs. Pile and the teachers they gathered about them.

During the session of the legislature of 1909 a bill was passed appropriating \$90,000, or so much thereof as might be necessary, with which to purchase the Wayne Normal College property for a State Normal School. The

power to buy was vested in the state board of education. The board of education made an inspection of the buildings, grounds, and equipment and fixed the value and the price to be paid at \$70,000. The sum of \$20,000 which remained after the purchase price was paid was set aside to conduct the school from September 1, 1910, to April 1, 1911. The board of education elected as president U. S. Conn, who at the time was superintendent of the city schools of Columbus, Nebraska. President Conn organized a faculty of capable and devoted men and women and the school was opened as a State Normal School in September, 1910. From the beginning day the institution has made constant and commendable progress. The property has been improved from year to year. A complete sewer and water system has been installed. The campus has been enlarged from ten to forty acres. Three modern fireproof buildings have been erected. One of these buildings is used by the library and the department of science; another contains the office of administration; and the third is used by the physical and industrial training departments. The building which contains the office of administration contains also a large assembly hall and many of the class rooms. The total amount expended by the state, not including the purchase money, is about \$350,000. The country naturally tributary to the State Normal School at Wayne is one of the best portions of Nebraska. The school has shown appreciation of its situation and the people have taken advantage of the opportunity it has furnished. If the life and accomplishment of the years since September 1, 1910, are to be taken as a measure of that which shall be, the future is full of hope and promise.

STATE NORMAL SCHOOL AT CHADRON. The first work in education in addition to that furnished by the good school system of the city of Chadron was done by the academy which was agreed upon by an association of Congregational churches in 1888. Other towns and cities in that part of the state wanted the school, as was the case when the board of education came to select a location for the State Normal School which the legislature had

authorized. But the natural advantages and the enterprise of the people were such that it went to Chadron. The academy was opened for students in a building which the city provided, in September, 1890. The first building belonging to the academy was dedicated December 3, 1890, and occupied by the school the same day. This building was destroyed by fire in November, 1892, but the school went on. A dormitory for women, in which there was a dining hall for all students, was built in 1894. The principal of the academy was L. M. Oberkotter.

The legislature of 1909 authorized another State Normal School, appropriating \$35,000, and fixed the location within certain limits — that is, "west of the east line of the Sixth Congressional District and north of the 42d parallel of latitude in the State of Nebraska." Among the provisions enumerated by the legislature was that the people in the community where it is located must furnish eighty acres of land for a campus, and for such other uses as the school in its work and progress might need. The board of education began at once a building and other matters relating to the school. The building erected was planned and situated so that parts could be added as they might be needed and independent buildings so placed as to give a good appearance. Mr. Joseph Sparks was elected president. At the time of his appointment he was connected with the state department of public instruction and had been the superintendent of the city schools of Aurora. He gathered about him a faculty of able men and women. The first session of the new school under the direction of the state was in the summer of 1911. President Sparks continued in office until the summer of 1916. He and those associated with him laid the foundations. They were successful in the numbers of students, in the quality of the work, and in making the school worthy of an honorable place among the institutions of like grade in the state and in that part of the country where it is situated. When he resigned, the board of education elected Robert I. Elliott of Kearney. At the time of his election Mr. Elliott was a member of the faculty of the State Normal School at Kearney. Presi-

dent Elliott's ability had been tested while doing the work of a superintendent of city schools at Wayne and Broken Bow and while holding the office of deputy state school superintendent. During the years which lie in between June, 1911, and the time of this writing — near the beginning of the second semester of the school year 1917-1918 — the school has made gratifying progress. Each year has seen the sphere of its influence enlarged. Each year has seen its equipment, its library, and its laboratories increased. The period of less than seven years from the opening day has seen three fine buildings take their place on the campus. The people in the northwest part of the state cannot fail to appreciate the fact that the board of education has been generous in appropriations and the members of the faculty have been earnest and devoted, intelligent and faithful in doing the work committed to their hands.

THE UNIVERSITY OF NEBRASKA. It is often said and it is generally accepted as true that the one controlling passion of the American people is money, money getting and money spending.

The same thing is put in another form when we are told that the one outstanding fact which at once and everywhere marks the American at home and abroad is the "almighty dollar." However true these statements may be, or however distant they may be from the real life and true heart of the genuine American there is one thing even stronger in the thought and in the purpose of every intelligent, far seeing American, and that is the desire to see the members of his household and the children of his neighbors and friends have an open door to the advantages of the primary and secondary schools. When these two are completed he desires an unobstructed path to the best and most varied courses of study in the university. That this was the case in Nebraska to as great an extent as in any other state and to a marked degree as anywhere else is indicated by the action of the second state legislature in establishing the University. This passion for schools and education is seen to be more remarkable when we remember how young the state was in 1869, the compara-

tively small number of people within her borders, the very meager physical development of the country, the financial condition of her citizens, and the privations of pioneer life and conditions.

The act of the legislature which established the University was approved by the governor on the 15th of February, 1869, and went into effect the same day. From that date for all these years this day, the 15th of February, has been known and observed in University circles as "Charter Day." The bill contained many specifications and nearly all of them testify to the intelligent purpose and far-sightedness of the members of the legislature.

Among other things the act prescribed the legal name and style by which the institution is to be known, "The University of Nebraska"; the purpose for which the University is created; the authority by which it is to be governed—"The Regents of the University of Nebraska"; the name and number of departments of which the University shall consist; the chairs of instruction to be established as the needs of the state increase; the campus and buildings to be located within a radius of four miles of the state house; the governor is authorized to set apart two sections of land belonging to the state as a part of the college of agriculture; the authority of the board of regents; the steps to be taken by those who desire to receive a diploma from the University; the general course to be followed in organizing the institution; that no discrimination should lie against any person on account of "age, sex, color, or nationality"; the way in which the funds are to be divided and used; and the general provision for the work of the institution the legislature was calling into life and being. For corporate purposes the name of the University in law is "The Regents of the University of Nebraska."

The six departments of the University in the enabling act are designated thus: A college of ancient and modern literature; mathematics and the natural sciences; a college of agriculture; a college of law; a college of medicine; and a college of fine arts.

The act which created the university made the governor, the state school superintendent,

and the chancellor *ex officio* members of the board of regents, and the governor the president of the board. Besides these three the board was to consist of nine members. The law of 1869 was amended from time to time, making the board to consist of six elected members. The members are chosen at the time of the general election. They are elected two at a time for a term of six years. As is often the case in undertakings of this kind many things are criticised and much fault is found. The passing years, however, have in a large measure justified the work of the legislature and the board of regents.

It is to the lasting credit of the city of Lincoln that the citizens did everything in their power to aid in the erection of the first building and in making repairs in the foundation. The greater part of the funds which erected the first building came from the sale of lots. This sale began on June 5, 1869. It is said that 105 lots were sold the first day for about \$30,000. The corner-stone of the first building was laid on September, 23, 1869. After much trouble the final repairs and changes in the foundation of the building were made upon the recommendation of four architects who were called in by the board of regents. The people of Lincoln were vitally interested in all that was done. The architects made their report on June 23, 1871. To quiet the whole matter and to make the building safe beyond any question a new foundation was put under the building at a cost of \$6,012. This bill was paid by the citizens of Lincoln. This was in the summer of 1877.

The difficulty with the foundation was not because any one was trying to get the advantage of the regents, or any thing of that kind. The foundation was built out of untried material. It was in a new country where not many things had been tested. It was supposed that the sandstone when taken out and exposed to the action of the atmosphere would harden. This in fact was true of a part of it but not of all. Some of it crumbled instead of hardening. The result was a wall which could not be depended upon to carry the building. The fault in the foundation was not in the men who put it up, nor in the contractor,

but because untried, untested stone was used. This is not at all strange when we remember the delay which would have been caused by an attempt to bring stone from a long distance without the railway.

The University was opened for the enrolment of students September 6, 1871. The number enrolled at the close of the first week was about ninety. The law at that time vested in the governor the power to appoint the members of the board of regents, except the three *ex officio* members for which the act provided. The law provided that three should be appointed from each judicial district. The first board of regents consisted of twelve members—nine appointed by Governor Butler and three *ex officio* members. They are as follows: From the first judicial district, Robert W. Furnas, David R. Dungan, and John E. Elliott; from the second judicial district, Abel B. Fuller, the Rev. John B. Maxwell, and Champion S. Chase; from the third judicial district, William B. Dale, F. H. Longley, and William G. Olinger. The three *ex officio* members were Governor David Butler, State Superintendent Samuel D. Beals, and Chancellor Allen R. Burton.

At the time of the opening of the University and the inauguration of the first chancellor, the Hon. William H. James was acting governor and president of the board of regents. In presenting the keys to the chancellor Governor James closed a short address with these words: "You have been chosen to a high and responsible office, one that will be surrounded with difficulties which may require time to overcome; and yet I take pleasure in assuring you that the confidence which prompted your selection has been strengthened by our acquaintance and association. To you belongs the duty of inaugurating our system of education; to you we entrust the enlightenment of our youth—the beautifying and adorning of those most enduring monuments."

In accepting the keys from the governor Chancellor Benton responded in these words: "With a profound sense of the duties and responsibilities to be assumed I receive from your hands those symbols of that authority which the regents have seen fit to bestow upon

me. The cordial greetings of your honorable body and that of the people of the state, I return with hearty thankfulness on my own behalf, and of the University faculty. It shall be our earnest endeavor to justify the confidence you have reposed in us while we shall continue to rely on you for your sympathy and unfailing support. Assisted then, by these skillful and experienced educators, armed with your authority and sustained by your confidence, and relying on the aid of Divine providence, without which all our labors will be in vain, we enter hopefully on the work to which you have called us."

This part of the inaugural program was followed by the more formal address in which Chancellor Benton outlined the work and policy of the institution. He concluded with these three sentences: "On this Autumn day, long to be held in memory, as the Autumn sun declines to the west, the crescent glory of a new fountain of intellectual light takes its place in the firmament of literature and science. As a ship, it begins to glide over the water, well manned, rejoicing in its bounding life, its canvas full spread, and every heart beating with joy and hope of a prosperous voyage. Speaking for the Regents, the University, Students, and all represented in this work, I say, God bless the ship; God bless the builders; God bless the picked crew; and not to be forgotten, God bless all the passengers."

The first faculty consisted of Allen R. Benton, A.M., LL.D., chancellor and professor of intellectual and moral philosophy; S. H. Manley, A.M., professor of ancient languages and literature; Henry E. Hitchcock, A.M., professor of mathematics; O. C. Dake, professor of rhetoric and English literature; Samuel Augney, A.M., professor of chemistry and natural sciences; George E. Church, A.M., principal of the Latin school; and S. R. Thompson, professor of agriculture.

In the beginning years only one of the six departments was opened, the college of ancient and modern literature, mathematics, and natural sciences. It provided, the first year, for four courses of study—Latin, Greek, classical, and science. J. Stuart Dales from East Rochester, Ohio, who has been so long

and honorably connected as secretary of the board of regents and with the administration of the financial affairs of the University, was graduated in 1873. He was the first person to receive a diploma and the bachelor's degree. Along with him was William H. Snell of Lincoln, Nebraska. Mr. Snell is now in Tacoma, Washington, and is judge of the circuit court. Mr. Dales came first only because the diploma and degrees were presented in the alphabetical order of the names of the students.

Independent of the money which comes to the University from appropriations by the legislature every two years, there are several sources from which large sums are received. By what is known as the land grant act of the United States Congress in 1862, the college of agriculture when organized in 1872 secured 90,000 acres of land. This land has been sold or leased. The college of agriculture receives the rent and the interest on certain specified work. The University came under the provisions of the act of Congress of 1864, and received seventy-two sections (46,080 acres) of land. The University receives the rent of the unsold part of these lands and the interest on the part sold. The rent and interest can be used for any purpose for which there may be need. The Hatch-Adams fund, as it is called, of about \$30,000; the Morrell-Nelson fund of about \$50,000; and the Smith-Lever fund of about \$43,000 are sums received from the national government.

The enlargement of the University began at the close of the first year, when the regents on June 25, 1872, authorized the college of agriculture and appropriated \$1,000 for equipment and improvements. From that time, as the needs of the state have appeared, there has been enlargement in all the departments of the University.

The appropriations of the legislature, both for maintenance and for additional buildings, have seemed small, and yet when we remember that Nebraska in the first quarter of 1918 is only fifty-one years old, that we have comparatively a small number of people, and that until within a few years we have not had many citizens of wealth, we can realize that on the whole the University has received fair treat-

ment at the hands of the representatives of the people.

In 1885 the legislature appropriated \$25,000 for a chemical building. In 1889 provision was made for Grant Memorial Hall, and in 1891 \$37,000 was appropriated for a library building. Thus year by year buildings have been added until now there are nineteen on the city campus and at the state farm twenty-three buildings. The greater part of these are new and substantial buildings, well fitted for the purposes for which they were erected. Ten or more of these buildings have been erected by funds which arise from a special levy made by the legislature in 1913 for buildings and expansion.

The University has been most fortunate in the men who have held the office of chancellor. They have been men of ability and scholarship, of faith and courage, of honor and judgment, of hope and earnestness, of vision and insight, of devotion to the University and to the state, and of sympathy with the people and with the democratic spirit of Nebraska.

The list is as follows: Allen R. Benton, A. M., LL.D., January 6, 1870, to June 22, 1876; Edmond B. Fairfield, A.M., LL.D., June 23, 1876, to 1883; Dean E. B. Hitchcock, A.M., Ph.D., acting chancellor 1883 to January 1, 1884; Irving J. Manett, A.M., LL.D., January 1, 1884, to June 1, 1889; Charles E. Bessey, A.M., Ph.D., acting chancellor January 1, 1889, to August 1, 1891; James H. Canfield, A.M., LL.D., August 1, 1891, to September 1, 1895; George E. MacLean, A.M., LL.D., September 1, 1895, to September 1, 1899; Charles E. Bessey, A.M., Ph.D., September 1, 1899, to August 1, 1900; E. Benjamin Andrews, A.M., LL.D., August 1, 1900, to January 1, 1909; Samuel Avery, Ph.D., LL.D., acting chancellor January 1, 1909, to May 20, 1909, when he was made chancellor.

The great scope and diversity of work which the University carries on are indicated by the colleges and schools which are maintained in this forty-eighth year of its activity. They are as follows: The graduate college, the college of fine arts and sciences; the teachers college; the college of engineering; the college of

agriculture; the college of law; the college of medicine; and the college of pharmacy.

The graduate college includes the graduate school of education; the college of arts and sciences includes the school of fine arts and the school of commerce; the teachers college includes a training school for those who are preparing to teach in the high schools; the college of agriculture includes a high school of agriculture at the state farm and another at Curtis. The regents of the University have in their charge the Nebraska agricultural experiment station and experimental substations at North Platte, Valentine, and Scotts Bluff. The regents are vested also with the disbursement of the funds which the state provides for the legislative reference bureau, the geological survey, the conservation survey, and the bureau of agricultural botany and entomology.

Every year of the life and history of the University has brought to the regents and all connected with it problems peculiar to the time and the conditions. How well these problems have been understood and what progress has been made in solving them are indicated in part by that which was in the first year, and that which is in the forty-eighth year of the University's life. The first year there was but one building; now, including those at the experiment stations, seventy-eight. During the first year there were only nine members and helpers in the faculty; now, including those at the stations, nearly seven hundred. Appropriations for the first year were only a few thousand dollars; now, they are for all purposes nearly \$2,000,000. The number of students at the close of the first year was 130; now, including those at the stations and at the agricultural school, more than 5,000.

CHAPTER XXIII

ORGANIZING THE STATE GOVERNMENT — REMOVAL OF THE CAPITAL — ESTABLISHING LINCOLN

THE SESSION of the general assembly from July 4 to July 11, 1866, was the first overt act of Nebraska statehood, and from that occurrence until the first governor of the state, David Butler, formally superseded Alvin Saunders, the last governor of the territory, March 27, 1867, the commonwealth wore a mixed territorial and statehood garb. The enabling act passed by the federal Congress, April 19, 1864, authorized the governor of the territory to proclaim an election of delegates to a constitutional convention, with such rules and regulations as he might prescribe. The election was held on the 6th of June, 1864, but since a majority of the voters declared themselves against the proposition for statehood, which was submitted to them at this time, the convention to form a constitution met at the designated time, July 4th, and adjourned without action. But in 1866 the territorial legislature submitted a constitution which was adopted at a popular election held in accordance with a provision of the instrument itself, on the 2d of June, 1866. By authority of the constitution, also, members of the first state legislature were elected on the same day and met on the 4th of July following. In accordance with the supplemental enabling act, passed by Congress February 9, 1867, which imposed the condition that the legislature should formally declare that there should be no denial of the right of suffrage on account of race or color, by the proposed state, Alvin Saunders, governor of the territory, called the legislature which had been chosen in October, 1866, to meet in special session, February 20, 1867, for the purpose of accepting this condition; but David Butler, who had been elected governor of the proposed state in June, 1866, delivered a message to the

assembly at this meeting, as if there was a real state and he was actual governor. This session began two days after the final adjournment of the last session of the territorial legislature, and it lasted two days. Though the admission of the territory as a state was formally proclaimed on March 1, 1867, the territorial governor performed the executive functions until he was relieved by Governor Butler, March 27th.

The first official act under statehood was Turner M. Marquett's assumption of the office of representative in Congress to which he had been elected, June 2, 1866, according to the terms of the constitution which was adopted by popular vote on the same day. The territorial law provided that a delegate to Congress should be chosen at the regular election held on the second Tuesday of October, 1866. On account of the hostility between President Johnson and the republican majority in Congress, it was uncertain in 1866 when the territory might become a state; and so at the republican convention for that year it was decided that Marquett should be the candidate at the regular fall election for delegate to Congress, and John Taffe for representative in case the territory should be admitted as a state during the time in which he would be entitled to his seat.

Furthermore, the new constitution provided that returns for the election of a representative in Congress should be canvassed in the same manner as those for a delegate, and the territorial law in force in 1866 required that the votes for delegates should be canvassed in the same manner as those for territorial officers. It seems therefore that the law pointed out that a second provisional election for representative in Congress should be held at the

time of the regular territorial election in October. These explanations are pertinent, because friends of Mr. Marquett have indiscreetly contended that he deserved great praise for not insisting, when the state was admitted so early in 1867, that he was entitled to a seat as representative for the full term of the 40th Congress by virtue of his election in June, 1866, notwithstanding his intervening acceptance of a candidacy for the office of delegate and which at the time seemed more certain to give him a seat than to be a candidate for representative under statehood. Moreover, the enabling act provided that a representative in Congress "may be elected on the same day a vote is taken for or against the proposed constitution and state government," which day was the second Tuesday in October, 1864. Therefore the election of a representative in June, 1866, was not authorized at all. In the meantime the regular election came, which the convention evidently decided was the proper time for electing a prospective representative to the 40th Congress whose term would begin March 4, 1867, whether or not such election would supersede the as yet unrecognized election of June 2, 1866. Congress might have cured the first irregularity, but by so doing it could not have cured Marquett's bad faith if he had sought to displace Taffe.

Mr. Marquett was admitted to the house of representatives March 2, 1867, the day after Nebraska became a state. James M. Ashley, of Ohio (who moved the impeachment of Andrew Johnson), said, in making the motion for Marquett's admission, that the proclamation admitting Nebraska had been published that morning in the official organ. Ashley moved also that Marquett be paid from June 2, 1866, the day of his election. Spalding opposed on the ground that Nebraska was not a state, to which Ashley replied that having been admitted in the last session by the vote of Congress which was vetoed and since then having been admitted over the veto the act became effective on the 2d of June. Spalding, impatient at this logic which did not connect, said: "Make it a donation, then, and not call it the pay of a member of Congress." Ashley said also that Marquett had been elected a delegate to the

incoming 40th Congress, which would give him more pay and mileage than his motion proposed, but the intervening admission of the state had kept him out of that. Ashley's motion was defeated by a vote of 43 to 105. Dawes, of Massachusetts, moved a reconsideration with the view of making Marquett's term take effect December 1, 1866, the beginning of the session, but the motion was laid on the table, 67 to 56.

On the second day of the session, and before the governor's message had been received, Senator Leach offered the following partisan, or, rather, factional resolution:

RESOLVED, That the Senate of the Legislature of the State of Nebraska heartily endorses the policy and acts of Andrew Johnson, President of the United States, in all his legitimate and conservative efforts to restore the Southern States recently in rebellion, to their legal status in the American Union, and that we pledge him our hearty and cordial support in all such efforts and against the heresies of radicalism, as advocated by Stevens and Sumner, whom the President himself patriotically, on the 22d day of February, A. D., 1866, denounced as disunionists.

This endorsement of "my policy" was laid on the table by a party vote of 7 to 6. In the house, Mr. Robertson, democrat, offered a similar resolution, which was defeated by a vote of 5 to 20. Mr. Frazier then sugar-coated a friendly Johnson resolution, similar to that offered in the house, with a resolution invoking the favorable action of Congress for statehood, and it passed by a party vote of 22 to 15.

Mr. Robertson, of Sarpy county, submitted a memorial to the President of the United States asking for an investigation of the alleged official maladministration of Edward B. Taylor, superintendent of Indian affairs for the northwest, and Orsamus H. Irish, superintendent of Indian affairs for southern Nebraska; but the house refused to adopt it by a party vote. Mr. Durant, vice president of the Union Pacific railway company, invited the members of the legislature to go on an excursion to the end of the track — 133 miles — on Saturday July 7th. The house accepted the invitation and went; the senate declined

on the plea of pressing business, but a large part of it went too; and, after a vain call of the house Saturday morning, there was an adjournment until Monday.

The burden of the governor's message was an argument that the territory had a right to immediate admission as a state. In 1864, when the enabling act was passed, the population was 30,000; now it was 70,000. In a few weeks the track of the Union Pacific railway would be laid 200 miles west of Kearney. Territorial bonds were now worth ninety-seven cents on the dollar. The governor recommended the adoption of the fourteenth amendment to the constitution of the United States, and Maxwell introduced the measure in the house; but no action was taken upon it.

The second legislature, at its first and special session, February 20 and 21, 1867, performed no other function than to organize and formally accept the condition imposed by the federal Congress for the admission of the territory as a state. Governor Saunders (territorial governor) stated the object of the session in a message in which he said that it would have been more satisfactory to himself, and he thought to the members, if Congress had referred the question to the people instead of to the legislature.

On the first day of the session Mr. Doom of Cass county introduced a bill declaring the assent of the legislature to the condition prescribed by Congress, which was referred to a special committee composed of Doom, Hascall, and Reeves. At the afternoon session, Doom and Hascall reported in favor of the bill, and it was at once passed, before Reeves could prepare his minority report, by a vote of 7 to 3, Freeman, Reeves, and Wardell voting nay. On the next day Reeves offered his report, which the senate declined to receive. Doom moved to strike out certain passages of this report which he declared were offensive, and the motion was carried; whereupon Reeves withdrew the report entirely, and Freeman, Reeves, and Wardell left the chamber in a fit of disgust, but they were afterward permitted, at the request of Mr. Reeves, to record their votes against the

bill. J. N. H. Patrick, who had not been sworn in when the bill was passed, was excluded from this arrangement.

The senate bill was promptly passed in the house, under suspension of the rules, by a vote of 20 to 8, Anderson, Bates, Crawford, Dunham, Graves, Harvey, Rolfe, and Trumble voting nay. All the democratic members of the legislature but Hascall adhered to the party policy of opposing the measure. If admission to statehood had been the one question at issue, their course would have been unwise; but since the proposition involved also the question of consenting that Congress and the legislature had the power to annul by resolution a provision of the state constitution, the democrats followed their plain duty, and Hascall's recreancy deserved the reproaches it won, though it seemed to surprise no one.

The third session of the general assembly, being the second session of the second legislature, was convened by the call of the now full-fledged governor, dated April 4, 1867, on the 16th of May of that year, for the purpose of passing such laws as the governor thought necessary for the new state. The most important work of this session was the removal of the capital from Omaha to Lincoln, accomplished by the passage of an act, approved June 14, 1867, which constituted the governor, secretary of state, and auditor a commission to select a new location before July 15, 1867, within certain specified limits, as follows; the county of Seward, the south half of Butler and Saunders counties and that part of Lancaster county north of the south line of township nine, the new capital city to be called Lincoln. A bill (S. No. 44) entitled "An act to provide for the location of the seat of government of the state of Nebraska and for the erection of public buildings thereat," was introduced in the senate, June 4th, by Mr. Presson, and its counterpart was introduced in the house (H. R. No. 50) by Mr. Crowe. The senate bill passed that body on the 10th of June; it passed the house on the 13th, and was approved by the governor on the 14th.

The bill (S. No. 44) which was passed

originally provided that a commission consisting of the governor, the secretary of state, and the auditor should select, before July 15, 1867, from lands belonging to the state, within the counties of Lancaster, Seward, and the south half of Butler and Saunders, not less than 640 acres for a town to be named and known as "Capitol City." The commissioners should cause the site to be surveyed and fix a minimum price on the lots of each alternate block, these lots to be sold at public vendue to the highest bidder and the proceeds deposited with the state treasurer as a state building fund, out of which a capitol, "to be designed as part of a larger edifice," should be constructed at a cost not to exceed \$50,000, the building to be completed before November 1, 1868. The state university and the agricultural college, united in one institution, should be situated within the city, and a state penitentiary within or adjacent to the city. The removalists had their project firmly in hand, and the bill was pushed through with remarkably little halting or change. It was read the second time on the 5th of June, and on motion of Majors referred to the committee of finance, ways and means, composed of Presson, Reeves, and Holden—all of the South Platte section. Hascall of Douglas county attempted to have it referred to the committee on public buildings where it really belonged, but without success, as two of the three members of this committee—Patrick and Baird—were of the North Platte. The next day Presson reported the bill back from the committee with amendments not of great importance; June 7th the committee of the whole reported the bill for the third reading, and on the 8th it was made a special order for the 10th; on that day Rogers's motion to extend the limits of choice to all, instead of half of the counties of Butler and Saunders was lost by a vote of 5 to 8; and his motion to strike out the word permanent, applying to the relocation of the capital, was defeated by a like vote. Sheldon's motion, to amend so that the location might be made anywhere within Seward county or the south half of Saunders and Butler and that portion of Lancaster county lying north of the south line of

township 9, was carried by a vote of 9 to 4, Freeman, Hascall, Patrick, and Rogers voting nay. Patrick's motion to amend section 11, so as to locate the state university and agricultural college at Nebraska City, was lost by a vote of 5 to 8; and the motion to locate the same institution at such place in Washington county as the county commissioners might select, was defeated by a like vote.

It was left to Senator Patrick, an uncompromising democrat—called in the drastic political phrase of the day a copperhead—to move the substitution of Lincoln instead of the inexpressibly clumsy and ugly original name, Capitol City; and the motion was carried without division. It was read the first time in the house on the 11th, the second time on the 12th. Mr. Woolworth's motion to place the state university and agricultural college at Nebraska City instead of Lincoln was defeated, 11 to 26. Griffin's motion to change the location to some place in Cass county, not particularly designated, but no more than three miles from the Missouri river, was lost by a vote of 10 to 25.

The charge that there was corrupt collusion between the removalist members of the legislature and promoters and beneficiaries inside and outside of that body of various railway land grant schemes, was pressed with tremendous force but with little effect against removal. But the attacks along this line were effective in defeating all the land grant bills excepting that for the Air Line. Even while his home city and county were the backbone of the removal cause, Morton now began his opposition to land grants of this kind, which he persistently kept up through his life.

On the day on which the successful removal bill was introduced in the senate, another, identical with it (H. R. No. 50), was introduced in the house; but it was dropped after having been favorably reported from the committee on ways and means. On the 11th of June Mr. Frost of Douglas county, of the committee of ways and means, presented a minority report on this bill, in which were compressed all the objections of the anti-removalists. The number of commissioners was not large enough for so important a

task, and there was danger, in particular, that the choice of a location would be too far from a railroad. "Railroads in this country are too expensive to be run in every direction, and a capital with public buildings located at any inconvenient distance from one would soon be removed." The time was too short for the selection of grounds; and, most important of all the objections to the bill, it failed to submit the location to the people for approval or rejection. "The question has not been fully discussed whether the university and agricultural college should be united or should be different institutions, wholly separated in their organization. Some of the best minds prefer the one course and some the other, but no expression could be obtained during the few days of the session to elapse." There was doubtful propriety in locating all the public buildings in one place. The time was not ripe for removal of the capital. "We have the best building ever occupied by any territorial government, and consequently the best ever belonging to a new state. With a trifle spent for repairs, it will be all that would be required for years. It is located centrally so far as our thoroughfares are concerned, and much more so than the proposed site could be for many years."

The same day on which these two bills were introduced, Mr. Hascall of Douglas county, introduced another (S. No. 45) entitled "An act to locate the Capitol, State University, and Agricultural College." The bill provided that a commission composed of Governor Alvin Saunders and Turner M. Marquett should procure for the state of Nebraska an entire section of land in the valley of Salt creek within ten miles of its junction with the Platte river and at a cost of not more than \$5 per acre. This land should be the site of the capitol, the state university, and the agricultural college, and reservations should also be made for buildings for an insane asylum, deaf and dumb institute, and for other purposes, "as the state may hereafter see fit to erect." The name of the proposed capital was left blank in the bill. It provided that the capitol at Omaha should revert to the city of Omaha for school purposes, on

payment of the cost of the site of the new city. On the 7th of June Mr. Patrick, of the committee on public buildings, recommended the passage of the bill, and on the 8th Mr. Presson, of the same committee, reported against it, holding that the location proposed in the other bill—No. 44— "will better subserve the interests of the state, in that it contemplates a more central location for the seat of government, and fixing the same where it will enhance the value of our state lands at least three hundred per cent." On the 12th the senate, in committee of the whole, reported in favor of tabling the bill, and that was the end of it. The movement for the removal of the capital was almost, if not altogether, a conspiracy, and the speculative gain of the conspirators was its chief motive and impulse.

If the capital commissioners were acquainted with the proceedings of the early territorial legislatures—and probably they were by hearsay, at least—their attention had been already directed to Lancaster county and the vicinity of the salt springs as a favorite site of a new capital city. In the removal bill of the second legislature—1856—the proposed capital was to be in the immediate vicinity of the salt springs and called Chester, the name by which the principal salt basin was known. It is important to revert here to the fact that J. Sterling Morton signed the report of the committee which favored the passage of this bill. In 1857 the capital narrowly escaped removal to a place to be called Douglas City, also in Lancaster county, but not near to the salt springs. According to a map drawn in 1856 there were two places—or rather prospective places—of that name, one situated near the point where the Burlington railroad leaves Lancaster county and enters Cass, three miles southwest of the present town of Greenwood; and the other about two miles northwest on Salt creek, near the mouth of Camp creek. These locations on the map correspond with the statement of Governor Izard in his veto of the bill: "All agree, however, that there are two towns in Lancaster county, by the name of Douglas, already made upon paper. To

which of these it is the intention of the legislature to remove the seat of government I am left wholly to conjecture. It might so happen and from my knowledge of the speculative genius of a certain class of our citizens, I think it highly probable that should the bill under consideration become a law each of these rival towns would set up a claim to the capital, which it might require long and tedious litigation to settle; leaving the people of the territory in the meantime without a seat of government."

A bill to remove the seat of government to the same neighborhood precipitated the riot in the next (fourth) legislature.

There are extant certificates of shares in Salt City and Bedford, issued in 1856, which show that the salt basin lent the contiguous land a speculative value for townsites. Salt City was to be situated on the western border of the basin, the site comprising 640 acres. According to a prospectus contained in the certificates of shares, Bedford had hopes of becoming the county seat: "It is situated near the center of Lancaster county, contains 640 acres, or 2,200 lots, 200 of which are to be given to the county in case the county-seat is there, besides public grounds for court house, churches, and parks. The timber on Stephen's Creek and Salt Creek lies convenient to Bedford; and the noted Salt Spring in Lancaster county is a sure evidence that it will at no distant day be the wealthiest county in the territory." The stock of each of these townsites was divided into 200 shares, and to Daniel H. Wheeler, the prominent Cass county pioneer, they seemed to have more than a paper value. He paid in gold \$150 for a single share of Salt City and \$100 for a share of Bedford, its rival.

The suggestion or contention, often heard in recent years, that the confluence of several minor creeks was a strong secondary reason for placing the capital in the salt basin, in the expectation that the easy grades they offered would be a drawing invitation to converging railroads, must be regarded as an apologetic afterthought. The first two and vitalizing lines and two other distinct lines — the Chicago & Northwestern and the Rock

Island — entered by the salt valley; the two principal western lines of the Burlington system climb arduous grades to get out, and only two of the four creek-beds in question are used to any appreciable extent. Engineers of the converging systems assert that in comparison with Milford or Seward, for example, Lincoln is unfavorably situated in this respect, and that to avoid the heavy grades the through freight traffic of the main lines of the Burlington should be diverted to a new track along the Blue river. The "especial advantage" urged by the commissioners for the site of their choosing was that it lay approximately in the center of a circle with a diameter of 110 miles whose circumference intersected or passed near Omaha, Fremont, Columbus, Pawnee City, the Kansas-Nebraska line, Nebraska City, and Plattsmouth.

On the 29th of July, 1867, the commissioners chose "Lancaster" for the site; August 14th they made proclamation of the event, and the next day August F. Harvey and A. B. Smith began to survey the ground, which comprised 960 acres.

Sale of lots at public auction, which began September 18, 1867, was characterized by questionable expedients and irregularities. It was a common practice to bid in lots and hold them for an advance without paying for them, and the commissioners in their report made the remarkable admission that they deliberately violated the mandate of the law that the proceeds of the sales should be deposited in the state treasury, because they assumed that the treasurer might be as lawless as themselves and would refuse to give up the money for its lawful purpose — for, being a resident of Omaha, he was personally hostile to the removal scheme.

But whatever the sins, omissive or commissional, of the commissioners and other founders of Lincoln, they at least exercised great courage and enterprise. The fact that the mere arbitrary and fiat beginning has so soon developed into a prosperous and most attractive city challenges admiration for the unexcelled faith, resolution, and self-denial of its pioneer citizens. Of a surety, "thy row-

ers have brought thee into great waters, but thy builders have perfected thy beauty."

The Brownville *Advertiser* of February 12, 1870, congratulates the state on the business sagacity which has produced "a state house, ample for present purposes, completed, and

has the funds raised from the sale of a section and a half of land, worth, three years ago, five dollars an acre, to provide two other fine buildings, and some 500 lots left for future use." The entire sales of 1867, 1868, and 1869 brought \$400,000.

CHAPTER XXIV

STARTING THE STATE — SCANDALS IN THE STATE GOVERNMENT — SENATOR TIPTON RE-ELECTED — GOVERNOR BUTLER'S THIRD ELECTION — HITCHCOCK UNITED STATES SENATOR — IMPEACHMENT PROCEEDINGS

THE CALL for the session of the legislature for providing the legal machinery necessary for operating the state organization covered thirty-one subjects of legislation, though the last was a catch-all of doubtful validity. The first fourteen specifications proposed revision or amendment of existing statutes. The eighth proposed "to abolish the distinction between actions at law and suits in equity" by supplying the omission of the last territorial revision. The eighteenth specification called for provision for the "location and disposition of such lands as are, or may be hereafter donated to the state by the general government for any purpose." The school lands had all been located except the proper sections in the half-breed Indian tract, which, it was contended, was subject to such reservation. The principal enactments of the session were as follows: The state auditor was constituted state land commissioner and he was authorized to offer for sale all school lands at an appraised value which should not be less than seven dollars an acre. The state was divided into three judicial districts, the first district comprising the counties of Richardson, Nemaha, Otoe, Johnson, Pawnee, Gage, Jefferson, Saline, Fillmore, Nuckolls, and the territory west of them; the second district comprised the counties of Cass, Sarpy, Douglas, Saunders, Lancaster, Seward, Butler, and the territory west of them; the third district, the counties of Washington, Dodge, Platte, Cuming, Burt, Dakota, Dixon, Cedar, L'eau qui court, Kearney, Lincoln, Merrick, Hall, Buffalo, and the counties west and north of the Platte river. The chief justice, Oliver P. Mason, was assigned to the first district,

Associate Justice George B. Lake to the second, and Associate Justice Lorenzo Crouse to the third. The office of district attorney for each district was established with an annual salary of \$1,500. The bill locating the seat of government and the public buildings thereat was passed; a state seal was adopted; provision was made for the transfer of suits from the territorial to the state courts; also for the appointment of four commissioners who should select and enter the public lands donated to the state; an apportionment act created eleven senatorial districts with thirteen members and nineteen representative districts with thirty-nine members. Four members each were allotted to Cass, Nemaha, and Richardson counties; five to Otoe; six to Douglas; two each to Sarpy and Washington; one each to Dakota, Dodge, Johnson, Lancaster, Platte, and Pawnee; one to Gage and Jefferson jointly; one to Butler, Saunders, and Seward; one to Kearney, Lincoln, and Saline; one to Buffalo, Hall, and Merrick; one to Burt and Cuming; and one to Cedar, Dixon, and L'eau qui court. Fifteen thousand dollars of the fund granted by the federal Congress to pay the expense of the militia raised for defense against Indians was appropriated to pay current and contingent expenses of the state for the year 1867. It was provided that one term of the supreme court should be held at Omaha and one at Nebraska City each year; but unless the commissioners of Otoe county should offer the use of the court house for the term, free of charge, it should be held instead at Brownville or such other place south of the Platte "as may offer the use of court room free of charge."

Distinction between actions at law and suits in equity were abolished; the revenue act was amended; a bill was passed to locate, establish, and endow a state normal school at Peru, provided that the tract of not less than sixty acres adjacent to the town, known as the grounds of Peru Seminary and College, with all buildings, should be donated to the state; the new school to be under the direction of a board of seven members, five to be appointed by the governor, the other two to consist of the state treasurer and state superintendent of public instruction. Twenty sections of state lands were appropriated to the school as an endowment, and \$3,000 was appropriated for completing the school building, procuring apparatus, and putting the school in operation. It was provided that the secretary of state should be state librarian. A drastic general registration law, under which the registrar of a precinct might exclude names from the voting list for "disloyalty" and other reasons, was passed; the general school law was revised; seventy-five sections of the public lands were granted to the Northern Nebraska Air Line railroad company to aid in the construction of a road from De Soto to Fremont. The act provided that the company should receive twenty sections on completion of each ten miles of the road, but definition of what "completion" meant was singularly neglected. The boundary of the new county of Cheyenne was defined, and the fourteenth amendment to the federal constitution was ratified.

Memorials to the federal Congress prayed that a land office might be established at Lone Tree for the convenience of the many settlers along the line of the Union Pacific railroad, and vigorously protested against the continuance of the Indian policy: "We represent to you the unvarnished and unpalatable truth that at no point from the northern boundary of Texas to the British Possessions can either trade or travel be prosecuted from the western settlements to the Rocky mountains without imminent danger to life and property." This danger was much greater than it had been twenty-five years before. It was insisted that the policy of treating with the Indians as independent nations was impracticable; for "the

Indians will not and the government cannot respect them [the treaties] and fulfil their stipulations. The Indians of the plains are proverbially faithless." The only order to the military commander sent against the Indians ought to be to chastise them until they should sue for peace. With due allowance for the selfishness of the settlers who knew by actual experience the conditions of which they complained in urging this drastic policy, yet the fact that the proposed policy was soon adopted and permanently adhered to illustrates the superiority of popular judgment to that of the few wise men in whom authority is vested by virtue of their theoretical wisdom, as also the advantage of local over absentee government. Since by the cruel but inexorable rule of social progress the superior race was predestined to encroach upon the domain of the inferior, and forcibly dispossess it, the ultimate forcible subjugation of the latter was inevitable, and its inevitability should have been sooner recognized in our Indian policy.

In the year 1867, the capital contest had distracted and all but demoralized the commonwealth which, still wrestling with the doubts and discouragements of occupying and subduing the unpromising interior plains that constituted most of its domain and its main productive dependence, needed its utmost resources for the difficult industrial conquest. But the year 1868, with the capital experiment still held doubtful, with a special session of the legislature, with state elections, involving the choice of a United States senator, and the presidential election as well, gave no relief from the continuous curse of politics but rather an increase of its distractions. The first important political incident of the year was the appointment of a federal district judge. Dundy had the advantage of holding the corresponding office under the territorial organization, but his application for appointment for the district covering the whole state was sharply disputed, and it took a year to settle the controversy. In the early part of January it was publicly reported that Judge Lake had been appointed, and after the party organs had dutifully commended the choice, it was announced that Colonel Henry G.

Worthington had been nominated. Notwithstanding that he was a carpet-bagger, having come to Nebraska but a year before, and by political stages from far off California, via Nevada, where he had achieved the office of delegate to Congress, the Omaha *Republican* accepted the appointment, carpet-bag and all, as a solution of a difficult problem. But the wily Dundy had won the territorial judgeship after he had apparently lost it, and he soon repeated that rather remarkable feat. The warring executive and senate agreed to a truce in Dundy's favor, and his appointment was confirmed in the early part of April.

A democratic state convention was held at Nebraska City, January 8, 1868, for the purpose of choosing delegates to the national convention. The national party was divided upon the question whether the 5-20 bonds should be paid in greenbacks or in gold, as it was divided in 1896 on the silver question, though not as sharply. Not only did the Nebraska delegates to the convention support George H. Pendleton, apostle of greenbacks, for the nomination for president, but the two most prominent leaders of the party in the state — Dr. Geo. L. Miller and J. Sterling Morton — who left the party in 1896, on account of their opposition to silver, stoutly advocated the greenback theory, so far as it involved redemption of the bonds in that currency. Though the fact that it was expressly provided by law that the 10-40 bonds should be paid in gold while there was no such provision as to the 5-20s, afforded a strong argument that it was the original intention that the latter should be redeemed in the same kind of money that the capitalist holders had paid for them, namely, greenbacks, and that such payment would not involve bad faith, yet, at bottom, the question was the same in kind as the silver question of 1896.

The republican state convention for 1868 was held at Nebraska City on the 29th of April. The state administration had been the object of constant merciless attack by the democratic press, and its defense was left mainly to the republican organ at the capital. It was necessary, therefore, either to repudiate the old crowd or to put on a bold front and unan-

imously endorse them. The drastic alternative was postponed, and the state officers were nominated by acclamation for a second term.

Turner M. Marquett's home paper had urged that the nomination for member of Congress was due him because, though he had been elected twice, he had held the office only two days, and because "he met upon the stump the great war horse of democracy — the power and eloquence of the democratic party — the acknowledged best democratic stump orator in the west, J. Sterling Morton — and he completely whipped him, a thing which democrats say was never before done." But considerable virile ability did not find favor in competition with smooth and comparatively colorless vote-getting qualities, and John Taffe was nominated on the first ballot by a vote of 34 to 18. At this time the civil war capital of the republican party was drawn on without stint, and it found characteristic expression in the resolutions through the medium of General Robert R. Livingston's appropriately florid phrase. Though an anti-prohibition plank was introduced with studied apology, it was afterward summarily ejected. This incident shows that though the party had become a great business machine, politically and commercially, it showed a lingering trace of the sentimental philanthropy on which it was founded.

The second democratic convention for the year 1868 was held at Omaha on the 5th of August. Democratic and republican newspapers alike expatiated on the harmony of the respective party conventions this year. It has been heretofore pointed out that, owing to the extreme factional discord in the republican party, which had grown, mainly, out of the removal of the capital and the questionable methods of the pro-removal administration, a show of harmony was the alternative of repudiation of the administration; and since possession of power and of spoils was at stake, harmony was necessary. For the democrats, harmony was easier. They had nothing materialistic to quarrel over but unpromising prospects of power. At the January convention, S. H. Calhoun, a leader of the anti-Morton

"young democracy" of Otoe county, was chosen temporary chairman, permanent president, and a member of the committee on resolutions, and Morton was unanimously chosen as a delegate to the national convention.

In the convention of August 5th, Andrew J. Poppleton, a favorite of Morton and of the *Omaha Herald*, was nominated by acclamation as the candidate for Congress and thus made leader of the party for the campaign, and he sympathized with the general Pendleton-greenback sentiment of the party in the state. The specific declaration, in his speech to the convention, in favor of a policy which should encourage the building of railroads in the state, while in accord with a prevailing and natural public sentiment, yet, between the lines, foreshadowed a subsequent division of the party which tended to keep it in an almost inconsequential minority until it united with the professedly anti-monopoly populist party in 1894. The candidates for the state offices were also nominated by acclamation, a mode of choice with which democratic conventions became familiar through the common practice of some twenty-five years. The office seeks the man only when there is little or no chance that it will find him.

The political campaign of 1868 was a tornado of vehement offense and defense — virulent epithets and violent personalities; though the climax of this viciousness was not reached until the eve of the impeachment of the governor and auditor. It excites the wonder of their successors of the very next generation that these men of considerable parts could have played the game of politics on a plane so mean. Morton in the *News* and Miller in the *Herald* led in this unbridled offensive partisanship, partly because it was the business of the outs to attack the ins, partly because the reckless conduct of the administration offered so many vulnerable points of attack, but more largely because Morton and Miller were greater masters of epithet than their still willing and resourceful antagonists of the *Republican* and the *Commonwealth*.

The republicans won the elections by majorities ranging above 2,000, though it is questionable whether they fairly won at all

two years before. While local conditions favored the democrats, the result of this contest plainly indicated that thenceforth, owing to the prevailing republicanism of the large immigration and the great prestige and influence of the national republican party, the organization in Nebraska was destined to be invincible for very many years. But the democratic party was not wanting in faults which strengthened and lengthened republican power in the state.

At this time the "old soldier" shibboleth began to be an open sesame to public office at whose door it continued to knock for some twenty-five years with a persistency and success unfavorable to fair politics and good government. The indebtedness and general preference which were naturally conceded to this peculiar class, were naturally overworked and overdrawn, sometimes by themselves and constantly by selfish partisan demagogues at the frequent expense of due discrimination.

The interval between the elections of 1868 and the meeting of the legislature in regular session January 7, 1869, was busily employed by the democratic press in continuing the bombardment of the state administration — and Governor Butler in particular — for corruption, and by the administration organs in denying, rather than refuting the damaging charges. The *Journal*, the organ at the capital, was the thick-and-thin defender, and the *Omaha Republican*, for the time, substituted a policy of apology for its former hostility. In the latter part of this year the capital coterie of politicians began agitation for a new state constitution. The first constitution was condemned as inadequate and otherwise faulty because it limited the number of judicial districts to three for the next six years, and they were "entirely inadequate, even now"; because under its provisions the supreme court was composed of the three judges of the inferior judicial districts, whereas a distinct and independent supreme tribunal was necessary; because the salaries of state officers were too low — so paltry that they degraded the state; because the period of forty days to which sessions of the legislature were limited was too short for the proper transaction of business;

and because improved provisions for the creation and regulation of corporations were needed.

After the third session of the legislature had adjourned it was discovered that no provision had been made for the election of presidential electors, and on account of this oversight it became necessary to call the fourth special session which began at Omaha, October 27, 1868, and lasted two days. The members of this legislature were elected in October, 1866.

The beginning of the period of almost safe supremacy of the republican party in the state was indicated by the composition of the third state legislature — but the first to have a regular session and the first, also, to hold a session at Lincoln. The observation that the half dozen democratic members looked very lonesome does not impute partisan bias in the observing party organ; for this was a familiar phenomenon of many succeeding sessions. This legislature convened in the new capitol January 7, 1869. The officers of both houses were elected unanimously. Edward B. Taylor of Douglas county was president of the senate, and William McLennan of Otoe, speaker of the house. The prospectively rich resources of the salt springs had lured the capital to its site and largely carried the hazardous enterprise of establishing it. The result of actual experiment in their development had already become disappointing and embarrassing to the sponsors of the capital removal scheme. The governor complained in his message that the Nebraska Salt Company, of Chicago, which had acquired a half interest in Tichenor's lease of the principal springs, had failed to fulfil its obligations; even the local demand for salt had not been supplied, and the company "has been unable at times to supply even a single bushel for home consumption, and has refused to pay its debts among our citizens." The governor urged the legislature to take such action as would promote the manufacture of salt to the greatest extent. He urged the legislature to provide compensation for the company of volunteers which had been organized under his advice in the fall of 1867, consisting of those

settlers who had been plundered of everything and compelled to abandon their homes. He also urged the passage of a militia organization law.

The most exciting procedure of this session was the choosing of a United States senator to succeed Mr. Tipton. In the first caucus, Senator Tipton commanded less than a third of the total number of votes. He was supported by the eleven members from Nemaha and Richardson counties, the representative from Gage, and from one to three from the North Platte. Turner M. Marquett of Cass and Dwight J. McCann of Otoe, each controlled the seven members from his own county and those attached to make up the districts, and in addition two to three scattering votes. Governor David Butler controlled the votes of ten to twelve members, four from back counties south of the Platte, two from Douglas, and the remainder scattering from the North Platte. Four scattering ballots from Douglas county were probably held in reserve for Phineas W. Hitchcock. At the second caucus, held Saturday evening, January 16th, Tipton's highest vote was 15, Butler's 12, Marquett's 11, McCann's 10. Butler and Marquett tried to tie up their forces in the hope of winning enough to elect one of them, but at the third caucus, held January 18th, the votes needed for the success of the plan began to go to Tipton, the first vote standing, Tipton 22, Marquett 15, McCann 8. The third ballot stood Tipton 27, Marquett 15, McCann 2, and the independent and recalcitrant senator succeeded to a long term, while his carefully conforming colleague, Thayer, was put off with a single fractional term of four years. Charles H. Brown of Douglas county, as aggressive and independent as Tipton, but without his graces of oratory and too harsh in his methods for a successful politician, received the complimentary vote of the seven democratic members.

The most important question of the session was that of applying the public improvement lands to encourage the building of railroads. There was a general public sentiment in favor of the general policy of subsidizing railroad companies with these lands, and the only im-

portant dispute was as to the extent of the grants and the manner in which they should be awarded. While the wisdom of the policy of subsidizing railroads or other private enterprises with public property is open to question, and certainly it has been very often, if not generally misapplied or abused, yet there were strong arguments in its favor in this case. For without railroads there could be no appreciable market for land or its products and so no general settlement. Locally, then, the question was one-sided; for the settlers who had cast their fortunes with the Plains country could not afford to await the voluntary coming of the railroads. But whether, considering the ample room and the undeveloped condition of states farther to the east which railroads had already reached, it was good economic policy to force the development of the trans-Missouri plains by expensive subsidies, is another question. So the present question is one of local speculation — whether in a particular case it will pay a local community to invest a part of its property with the purpose of increasing the value of the remainder. In this case the state at large came within the purview of a local community. In the circumstances, therefore, the allegation that, “by common consent these lands, or the greater part of them, seem destined to be used for railroad purposes” is explicable, and it was also a correct forecast.

A resolution declaratory of the policy of the legislature, offered in the house, provided that all of the internal improvement grant, “or as much thereof as the legislature may deem proper,” should be reserved for actual settlement, all the net proceeds of the sale of such lands to be used for aiding in the construction of railroads and for such other improvements as the legislature should deem best for the interests of the state. This policy was impracticable because it involved the immediate sale of the land and therefore at a very low price, so that the proceeds would have amounted to but a small gratuity; while under the policy which was adopted, of granting the lands themselves, the corporations would reckon on their prospective values which

arise largely from the building of the roads in their proximity.

The measure adopted was the product of a compromise between the differing views. It provided that two thousand acres should be granted for each mile of road that any company should construct ready for rolling stock, within the state; but ten consecutive miles of road must be built within one year from the passage of the act and before any land could be awarded. To prevent injurious competition with the lands retained by the state, the railroad companies were prohibited from selling their subsidy lands at less than \$1.25 an acre, and to prevent “large tracts of land from being held for any considerable length of time, thereby retarding settlement and cultivation,” the companies were required to offer annually at public sale all lands which they should still hold after five years from the time they were acquired. The act contained the conservative provision that it should not remain in force more than five years. The Union Pacific and the Burlington & Missouri companies were let into limited participation by the provision that companies which had received grants from the United States would be entitled to two thousand acres for each mile of road thereafter constructed, but only to the extent of twenty-five miles.

Lingering resentment against the notorious grant of seventy-five sections of the public lands to the Northern Nebraska Air Line R. R. Co. at the session of June, 1867, was manifested in the vote — 12 affirmative, 23 negative — on a bill offered by Brush to repeal that measure and to appropriate the lands for the construction of bridges across the Platte river.

Another important act of the session was that providing for the establishment of “The University of Nebraska.” An act requiring the state treasurer “to keep constantly on hand the identical funds received by him from any source whatever,” until they were paid out according to law, was so inconvenient in practice that it was repealed at the special session in March of the following year. Doubtless the sense of the inconvenience was manifested quite as much by those who hoped to profit by an open-door policy as by the treasurer

himself. Disastrous experience in later years has shown that the makers of the inconvenient law did not act without prevision or reason.

A law was passed prohibiting the sale of intoxicating liquors on election day. Similar laws are now generally in force throughout the Union. Five thousand dollars was appropriated for the compensation of Capt. John R. Brown's militia — company A, First Nebraska cavalry — "called into service against the Indians by the governor from August 13 to November 15, 1867, and to satisfy claims of citizens who furnished to said company transportation and quartermaster's stores." The report of the capital commissioners was accepted, and Lincoln was formally declared the capital of the state. The original capitol grounds at Omaha were re-transferred to that city, "for the purpose of a high school, college or other institution of learning, and for no other purpose whatever." Alvin Saunders, George W. Frost, Thomas Davis, John H. Kellom, Augustus Kountze, James M. Woolworth, and their successors were constituted a board of regents to manage and control the contemplated school. A joint resolution authorizing and recommending the people to vote upon the question whether there should be a constitutional convention aroused more attention and caused more contention than any other enactment of the session.

A bill "to regulate the passenger fare and tariff of freight on all railroads in the state" was prematurely perhaps introduced into the house by Stout. Tender nursing and indulgence of this class of corporations, rather than correction or restraint, was a natural public policy when expansion and development of the area of settlement was a serious, and perhaps the chief public care. But a self-seeking and powerful standpat element seized upon the opportunity afforded by this peculiar condition to project its influence far beyond a legitimate period.

As a condition of admission to the union, Nebraska was required by the national Congress to grant the right of suffrage to negroes. Just three years later the state was called on to give the assent needed for the adoption of the fifteenth amendment to

the federal constitution which guaranteed universal right of suffrage to the black men. The motive for the first requirement was mainly philanthropic and was animated by a small number of political idealists led by Charles Sumner. The motive for the second was also partly philanthropic but very largely selfish partisan advantage. This partisan exigency or ambition demanded expedition, and of the objects of a special session of the legislature, the governor's call, issued February 7, 1870, first specified the ratification of the amendment. The second object of the session was to provide for the erection of a penitentiary. Among the other proposed subjects of legislation were the ratification of the remarkable contract made by the governor with Isaac Cahn and John M. Evans for the development of salt manufacturing, and division of the state into congressional districts.

The republican state convention for 1870 was held at Lincoln on the 10th of August. John Taffe was nominated for member of the national House of Representatives for a third and last term, on the first ballot, his principal competitor being Joseph E. Lamaster. After a fierce contest, David Butler was nominated for governor for the third time on the ninth ballot. His principal competitors were Robert W. Furnas and Samuel Maxwell. Furnas received sixty-five votes on the seventh ballot — within three votes of a choice. Maxwell received his highest vote — 32 — on the informal ballot.

The omission from the resolutions adopted by the convention of any reference to the state administration or state affairs was significant and in harmony with the adage that the least said about some things the better, and it was tacit approval of Mr. Chase's warning as to the impropriety of nominating Butler. The glittering-generality character of the platform was illustrative of the fact that the republican party was still resting on the prejudices and laurels of the Civil war, and had not yet grappled with economic principles or accepted the economic policy of Pennsylvania and other almost exclusively manufacturing states of the northeast.

This year a third party organization was

formed, composed in the main of republican dissenters and in effect chiefly an ally of the democrats. This dissenting and fusion movement progressed, though intermittently, until, twenty-four years later, it came into power in the state and held it for six years. At this time the mainspring of the movement was opposition to the maladministration of the republicans, or the Lincoln machine; and though at the period of its greatest strength the third party espoused drastic and radical principles, maladministration of its opponents still lent it a large part of its strength. The new party adopted the same name — the people's party — by which it was known in later years until the more distinctive and technical adaptation, "populist," displaced it. The state conventions of the democratic party and the new people's party were held simultaneously at Plattsburgh on the 7th of September, and their proceedings were in substantial harmony.

The political canvass was violent even for an unsettled frontier society. The democrats, led by an able and unrestrained press, let slip its dogs of war more particularly at Governor Butler, and they were ably assisted by anti-Butler republican insurgents, including Senator Tipton, now in open rebellion and probably the cleverest campaigner in the state. Andrew J. Cropsey bearded the lion in his den and was elected state senator over his straight republican competitor, Dr. Stewart of Pawnee county, carrying his home county of Lancaster by a vote of 742 against 393. The republicans made virulent charges of crooked business transactions against Croxton, the democratic candidate for governor, but they naturally had little effect as an offset to the charges of official corruption urged against Butler. The chief and most specific of the accusations was that the governor had appropriated to his own use a large sum of the public school fund. In the face of unsatisfactory and often evasive denials, Mr. Croxton, accompanied by General Experience Estabrook, demanded permission to examine the books of the treasurer's office, which was refused.

While Butler received a majority of only 2,478 votes over Croxton, Taffe, the repub-

lican candidate for member of the federal house of representatives, received a majority of 4,408 votes over his opponent, Judge Lake, a much stronger candidate than Croxton. This discrepancy does not fully reflect the effectiveness of the bold and relentless attacks on Butler in, and previous to, the campaign, and since he was peculiarly apt in turning obloquy into reactionary sympathy, belief in his guilt as charged must have been widespread. Audacity is a very effective force in a political, as well as a military campaign; but unless it is backed by rectitude and other substantial qualities it soon deteriorates into mere hardihood, and a fall follows.

Though older northern states were beginning to drop out of the republican ranks, a premonition of the long period of democratic control of the national House of Representatives which began four years later, yet, in the dependent new community, the perquisites of power were so strong a stimulus and stay of popular support that to cry the republican shibboleth loudly, as the organs, and especially as the organ at the capital cried it, in alarming tone, insured victory in the most adverse circumstances. And so the republicans were able to carry off a crippled state victory and also to win a large majority of the members of the legislature. The sensitive and solicitous machine at the capital was rudely jarred by the election of Cropsey as a senator, but its interests were otherwise sustained at the polls by a vote of 798 for Butler and only 318 for Croxton, and 523 in favor of a constitutional convention and only 2 against it.

In the temper and condition of the majority party at this time negative qualities in a candidate for office were most successful, and so in this rather perilous campaign John Taffe easily, if not triumphantly, achieved his third, though last election as member of the national House of Representatives, against a man of decided ability and individuality.

The eighth session — second regular session — of the state legislature convened January 5, 1871. Ebenezer E. Cunningham of Richardson county, was president of the senate; John C. Myers of Douglas county,

was temporary speaker of the house; and George W. Collins of Pawnee, was elected permanent speaker, over Elam Clark of Washington county, by a vote of 21 to 16. Upon the organization of the house, Mr. Doom of Otoe county, anticipated in a virtuous resolution, though less sweepingly, what Governor Folk actually did at the session of the Missouri legislature in 1905, as follows:

Resolved, That all lobby members of this legislature, who have any business to attend to at home, and all federal office-holders within the state, who are drawing salaries from the government, be granted leave of absence until the 25th day of June, 1871.

That federal officers, holding office in any other state or territory, be excused from further attendance upon this legislature.

This was a Hitchcock broadside against Thayer's platoon of placeholders.

The showing of the state's finances in the governor's message was still unfavorable. There was a balance in the treasury, December 1, 1868, of \$48,526.92. The receipts from all sources, up to November 30, 1870, had been \$937,414.97, and the disbursements, including \$315,188.60 expended for public buildings, were \$908,055.33, leaving a balance of \$77,886.56; but current funds were wanting, and the message complained that a large amount of warrants on the treasury remained unpaid, and they had been at a discount of ten cents to fifteen cents on the dollar much of the time during the last two years. This was owing, it was said, to the difficulty in collecting taxes. The assessed valuation of property in the state had increased from thirty-two million dollars in 1868, to fifty-three million in 1870. The total amount of public lands received by the state was 727,960 acres. This was exclusive of the 2,643,080 acres of common school lands, of which 72,578 acres had been sold at an average price of \$8.93 an acre. Of the 500,000 acres of public improvement lands, 257,312.71 acres had been awarded to railroad companies as bonuses.

During the past two years 2,382,157 acres of land had been entered—918,081 acres as homesteads and the remainder as preëmptions. The entries at the Lincoln land office

were 877,129, and at the Beatrice office, 381,931; at the Dakota City office, 737,176 acres; and at the West Point office, 385,921. Thus the growth of the North Platte and that of the South Platte sections were nearly equal. The Union Pacific railroad company had sold 289,644.42 acres of their land grant in the state—since July 28, 1869—and the Burlington & Missouri company, 61,303.25 acres. Lincoln lots and saline lands which had been sold at auction but not taken by the bidders, to the amount of \$74,200, remained in the hands of the commissioners. This indicates either a remarkable unreliability of buyers or a very loose way of conducting the sales.

The movement for encouraging immigration had been organized under the law passed at the last special session of the legislature by the appointment of C. C. Smith of Falls City, William Bischoff of Nebraska City, and Fred Krug of Omaha, as members of the board of immigration; and C. N. Karstein of Nebraska City, was chosen as the commissioner to reside in New York city.

The election of a United States senator is usually the star play of a legislative session, but in that of 1871 this special feature was outshone by its more dramatic impeachment rival. The three principal candidates for senator were John M. Thayer, who sought reelection, Phineas W. Hitchcock, and Alvin Saunders,—all residents of Omaha. The twelve democratic members decided in caucus to vote for Hitchcock, and he owed his election to their questionable policy. Since they were too weak to conquer their greatly outnumbering enemy, they would inflict as much damage as possible by assisting one of the factions to the defeat of the "regular" candidate.

Regularity was Thayer's standing and standard virtue, and he was more objectionable to the democrats than either of the other candidates because he particularly represented, and was the willing sponsor of the national administration.

It was charged with truth, that Thayer's only occupation since he came to Nebraska had been office-seeking and officeholding, and

this objection yielded some advantage to those candidates who had been less persistent or less prosperous in this regard. He was "always a candidate for office, never a lawyer, save in name, nor a plain or ornamental farmer; he has joined his senatorial fortunes with Stout and Kennard." After his defeat he was comfortably cared for in the office of governor of the territory of Wyoming during nearly four years.

General Thayer's military merit lay chiefly in the careful execution of superior orders, supplemented by the more superficial and yet important qualities of good personal appearance and deportment. This disposition not to reason why, which was a virtue of the soldier, was a fault of the statesman, though it was not then rated and resented by the public as it is at the present day. This defeat ended General Thayer's important officeholding in Nebraska during his virile years. Edward Rosewater opposed the election of Hitchcock, but his political temper was antithetical to Thayer's. Instead of bending to the success of the object of his opposition, he forecast his future career as the leader in Nebraska journalism by regarding the assault as the mere beginning of a war to the finish. He took counsel of the future instead of the past, and at the end of six years the now triumphant Hitchcock met his quietus—the first important victim of this nemesis of numberless Nebraska politicians.

Impeachment of Governor Butler. As soon as the senatorial question was out of the way, the legislature took up the question of impeachment of Governor Butler. The anti-Butler press, both democratic and republican, had crystallized the sentiment for such act before the legislature convened. On the 25th of January Edward Rosewater offered a resolution, requesting the governor to communicate to the house, "at the earliest moment," the name of the agent appointed, by act of the legislature, to collect from the

United States five per cent of the proceeds of the sale of public lands made before the admission of the state into the Union, the amount collected, and the amount paid the agent for his services.

The governor reported that the \$16,881.26 had been collected and deposited in the state treasury, and that there were no fees for the collection. It developed that the governor had used the funds for private purposes and had given the state real estate mortgages as security. The governor made a plain admission of the act. The governor was suspended during the trial, and after the impeachment abdicated the office.

By act of the legislature, March 3, 1873, a commission composed of the governor, secretary of state, and the state treasurer, was authorized to liquidate and settle all claims of the state against David Butler by taking from him a warranty deed for lands in lieu and release of all mortgages against him, but neither his residence nor his lands in Lancaster county should be included in the deed which included 3,400 acres lying in Gage, Jefferson, and Pawnee counties.

Impeachment of Auditor Gillespie. Auditor Gillespie had joined the anti-Butler faction and had assisted in exposing Butler's derelictions. The sobriquet "Honest John" was bestowed upon him by the reform faction as a sort of objective contrast. This was a dangerous distinction, and the Butler partisans used it as a derisive epithet. As soon as the Butler proceedings were out of the way, Galey of Lancaster county offered a resolution providing for a committee to investigate the letting of printing contracts in 1868. A summons was issued for Gillespie and he appeared before the senate with his counsel; he was allowed six days in which to prepare an answer. The anti-Butler faction prevented action by breaking the quorum, and finally by adjournment until the second Tuesday in January, 1872.

CHAPTER XXV

ANARCHY IN THE LEGISLATURE — SESSIONS OF 1871-1872 — THE LUNATIC ASYLUM BURNED — CONSTITUTIONAL CONVENTION OF 1871

THE BUTLER faction in pressing the impeachment of Gillespie was only playing a game of tit for tat; and its organ, the *State Journal*, made the most of its opportunity to take the right side of a technical question of the controversy:

The two houses, in the absence of a quorum, having failed to do the only thing they had a constitutional right to do, viz: to adjourn from day to day and dispatch the sergeant-at-arms after absentees, are dead as a doornail and can no more meet on the "2d Tuesday in January, 1872," or any other time, of their own motion, than a cow can jump over the moon. They cannot adjourn over twenty-four hours unless a Sunday intervenes, when they can make it forty-eight.

Nevertheless, the excommunicated legislature, or, rather, a part of it, did reconvene on Tuesday, January 9, 1872. There were eight senators present at the opening of the session, and three of those who had been elected to fill vacancies were admitted. Only twenty-three members were present when the house was called to order. Each house could muster a quorum for ordinary business, but it was easy for the senate to fall short of the two-thirds necessary to go on with the trial of the auditor. Corrupt and despotic procedure, incident to the attempt to remove the capital, demoralized and divided the fourth territorial legislature. Sectional animosity arising out of the actual removal which largely justified itself by exposure of the rottenness of the successful capital cabal, together with unbridled, though rather small-bore, political ambitions, produced a like state of anarchy at this adjourned session of 1872. The Butler faction approximately localized in the South Platte section, longing for a more com-

prehensive state constitution — and with particular regard to more offices and larger salaries — and unwilling to follow again the slow course of regular procedure, was bent on the remarkable scheme of reviving by legislative enactment the constitutional convention which had surely become extinct by its own act of adjournment without day.

On the second day of the session a bill authorizing the convention to reconvene passed the senate by a vote of 8 to 2, and on the following day it passed the house, 21 to 9. The next day — January 12th — the senate concurred in an amendment by the house; on the 15th Acting Governor James vetoed the bill; on the 17th the senate passed it over the veto by a bare constitutional majority — 8 to 4 — but on the 19th the house failed in its attempt by a vote of 12 to 21. The veto message set forth that in section 1, under the title "Amendments," the constitution provided that a majority of the two houses of the legislature might call a convention to revise or change that instrument whenever they should deem it necessary, and thereupon the proposal of the joint resolution in favor of holding a convention passed February 15, 1869, was adopted by a meager vote at the general election in October of that year; that by authority of the act of March 27, 1871, delegates to the convention were elected and convened June 13, 1871, and after fifty-eight days labor "ceased to exist" as a body by an adjournment, *sine die*, and were resolved back to the body of the people. The constitution prepared by this convention was rejected at an election held according to a provision in the instrument itself.

Section 1 of Article 9 of the constitution,

which the short-cut device of the legislature would have avoided, provided that if a majority of both houses of the legislature should deem it necessary to call a convention to revise or change the constitution, they should recommend to the electors to vote for or against a convention at the next election of members of the legislature, and if a majority of the electors should vote for a convention, then the legislature, at its next session, should provide for calling it. The population at that time was very unstable, and since no method had been prescribed for filling vacancies, it is probable that many districts would have been without representation at the proposed second sitting of the convention which must have occurred nearly a year after the delegates had been elected. Inasmuch as the method of procedure in question is incorporated in substance in the present constitution, according to the contention of the revivalists of 1872, of whom the *State Journal* was evangelist, the convention of 1875 is a perpetual body whose powers are merely dormant and capable of being re-inspired into action at the call of any legislature. That venerable body, thus reassembled by the omnipotent legislative fiat, might well recur to the apostrophe of St. Paul (or Alexander Pope): "O, grave, where is thy victory!" Mr. Estabrook's contention that this was "the next legislature" which had power to call the convention and therefore had power to recall it, was merely ingenious and scarcely to be taken seriously.

On the 19th a conference committee of the two houses reported a resolution to adjourn *sine die* on the 24th, at 11 o'clock p. m. The house adopted the report the same day, but a motion in the senate to concur under suspension of the rules was defeated, and in the regular order the question lay over one day. The senate remained in fruitless session all night, but on the morning of the 20th, during a call of the house, Sheldon moved to adjourn until December 31st. Thereupon Scofield raised the point of order that no business could be transacted while the call was pending, which the president overruled. On the question, "Shall the decision of the chair stand as the judgment of the house?" there was

an even division, Abbott, Cropsey, Metz, Sheldon, Thomas, and President Hascall voting aye, and Hilton, Linch, Larsh, Scofield, Tennant, and Tucker, no, which, it was asserted, of course defeated the affirmative side of the question according to the rules of the senate and all other legislative bodies. But political assemblies, especially when under factional incitement, seldom hesitate to live up to the venerable maxim that where there's a will, there's a way; and with Hascall in the chair that was an easy task — as easy as it had been in former not more or less halcyon days, with Hanscom presiding on the floor. On the same day, the acting governor, with good reason, construing this contrary action as a constitutional "case of disagreement between the two houses in respect to the time of adjournment," interposed the following message:

State of Nebraska, Ex. Chamber,
January 20, 1872.

To the Honorable the Speaker of the House of Representatives:

WHEREAS, The House of Representatives adopted a resolution to adjourn *sine die* on the 24th inst., in which the senate failed to concur and adopted a resolution to adjourn until the 31st day of December, 1872: And whereas, no reasonable hope is entertained that the longer continuance in session of this legislature will result in the adoption of any measures which have for their object the public good,

Now, Therefore, I, William H. James, Acting Governor of the State of Nebraska, under and by virtue of the authority vested in me by the Constitution, do hereby declare this legislature adjourned without a day.

WILLIAM H. JAMES.

Having declared the senate adjourned, Hascall dropped out, and on the evening of the 20th, Hilton was elected president *pro tem*. On Monday, the 22d, the senate, ignoring the action of the acting governor, took up the conference report in regular order and adopted it. With the exception of Kennedy of Douglas, only the old guard of the Butler faction — Hilton, Linch, Larsh, Scofield, Tucker, and Tennant — were present. In attempting to prorogue the legislature without day, the acting governor exceeded his constitutional au-

thority, which was as follows: "In case of disagreement between the two houses, in respect to the time of adjournment, he [the governor] shall have power to adjourn the legislature to such time as he may think proper, but not beyond the regular meetings thereof."

On the 22d the rump remnant of the senate also agreed to a preamble and joint resolution, declaring the office of governor vacant, and that the two houses should fill the vacancy on the 24th. When the house met at two o'clock in the afternoon of the 22d, its journal was missing, but it was found in the auditor's office with the governor's adjournment message, which had not been regularly received, "attached by some other hand than that of the clerk who made up the journal; and it was forthwith expunged from the record." The attempted sessions of the 23d were a farce, and the meetings of both houses on the 24th expired of imbecility. On the 23d, the acting governor illustrated the efficiency of the vaunted "checks and balances" of our constitutions by shutting off the coal supply from the legislative chambers.

The most important of the few enactments of the session of 1871 was a law providing for a constitutional convention which should meet on the second Tuesday in June of that year. The law provided that fifty-two delegates to the convention, one from each senate and representative district, should be chosen on the first Tuesday of May, and that the delegates and the secretaries of the convention should receive \$3 a day and the same mileage that was allowed members of the legislature. A herd law was enacted which held owners of cattle, horses, mules, sheep, and swine responsible for all damage done by them upon cultivated lands.

In a memorial which recited that Nebraska had never received more than the 500,000 acres of public lands, given on admission as a state, while not less than one million acres had been given to foreign corporations and an equal amount for the endowment of agricultural colleges, Congress was asked to grant lands to aid in the construction of a railroad from Lincoln to Denver, and another from

Brownville to Denver; also in aid of the Omaha and Northwestern, and the Fremont, Elkhorn and Missouri Valley lines. Because, owing to the great depression in business, preëmtors of lands could not pay for them, Congress was asked to extend the time of payment to three years from the time of filing. Congress was petitioned also to grant 90,000 acres of land for the endowment of an agricultural college—30,000 acres for each senator and representative—under the act of July 2, 1862; to reimburse citizens of the state for losses on account of Indian depredations during the last eight years; and for the removal of the national capital to the great basin of the Missouri valley.

At the adjourned session of 1872 only fourteen acts, none of much importance, were passed. By one of these, Guy A. Brown was appointed a commissioner to revise and compile the laws of the state, a work in which he continued for many years until his death; an act appropriated, annually, \$3,000 to the state board of agriculture, and \$2,000 to the state horticultural society, "for the sole purpose of advancing, developing, and making known the agricultural and horticultural capacities of the state"; and another appropriated \$4,500 out of the insane asylum fund to be used for the erection of a temporary hospital in place of that recently destroyed by fire.

Thomas F. Hall, chairman of the ways and means committee, which had been directed by the house to investigate the condition of the state treasury, on the fifth of June reported the resources of the treasury as follows: tax levy of 1870, general fund, \$122,500; general fund 1870, delinquent, \$60,500; levy of 1870, sinking fund, \$26,800; sinking fund delinquent, \$18,000. The report estimated that there would be a shortage of \$100,000 in collections of these nominal resources. There were \$9,000 uninvested in the permanent school fund; \$73,000 invested in United States, and Union Pacific bonds; and \$73,000 due the state from insurance companies. The liabilities of the state were as follows: general fund, \$200,000; interest on bonds and floating indebtedness, \$25,000; outstanding warrants, general fund, \$130,000; building

fund, \$40,000; territorial bonds belonging to school fund, \$36,300; loan of university fund (to pay impeachment expenses), \$16,000; total \$47,300, leaving a balance of indebtedness, 219,500. The warrants were fifteen per cent below par value.

By the state treasurer's report it appears that the amount received into the treasury from January 21, 1869, to January 11, 1871, was \$893,268.66. This report was largely a statement of grievances. Owing to the financial depression, farmers were scarcely able to realize prices for their crops exceeding the cost of production, consequently nearly all the taxes of 1869 and a large part of the levies of former years remained uncollected. "Besides this, wealthy railroad corporations, operating lines of railroad within the borders of the state, and, doubtless, fully able at any time to meet the demands upon them for taxes assessed, are delinquents, proposing, as is supposed, by the power of their wealth and influence, to override the just demands due the state for the protection afforded by law to their rights and privileges, thereby casting the whole burden of the state government upon the less powerful."

The year 1871 in Nebraska was one of gloomy poverty — morally and economically; its only resource, agriculture, was as yet doubtful and undeveloped. Prices of products which, owing to imperfect transportation to long distant markets, were normally low, were pressed by the impending industrial panic down to an unprofitable scale. As we have seen, official speculation and factional strife had demoralized and almost destroyed social order. This very bad condition was illustrated and made worse by the incendiary burning of the insane asylum on the 17th of April.

One inmate perished in the fire. Ten convicts escaped from the penitentiary during the night of the conflagration, and it was charged, though without proof or probability, that they were let loose to assist in kindling it. The leading republican, but anti-administration, organ summed up the case as follows:

The lunatic asylum ought to have been a

substantial public building and an honor to the state. By law the expense was limited to \$50,000, but the state officers took the responsibility of increasing it, until the amount actually paid was about \$150,000. The main building was 72x90 feet, and five stories high, with a four story wing running northward, 42x80, making a total frontage of 170 feet. A brick structure of this size, and costing so much money, should have been something for every Nebraskan to be proud of. But this asylum did not excite emotions of that sort, being so badly put together that visitors were fearful it would fall while under its roof. . . . The builder of this matchless specimen of architecture was one Joseph Ward. An attempt was made to burn it several months ago, by placing combustibles in the roof, but failed. . . . Of the grand delivery of penitentiary convicts, we have too few facts to justify comment. But ten convicted criminals are certainly at large. . . . What a history the capital has furnished of late. The state officers charged with peculating and speculating — Impeachments, queerly handled — Burning of a Lunatic Asylum and Lunatics — and winding up with the quiet departure of one-third of the convicts in the Penitentiary. Surely it is about time for a constitutional Convention that will build for the state anew, and let it start again with a clear record.

The chief care of the compilers of the constitution of 1866 was to make it a password to statehood; and so they craftily contrived that it should resemble the territorial organic act as closely as practicable. The judicial system for the state was the exact counterpart of that of the territory; there was no change in the number of the members of the legislative houses; the number of executive officers was not increased and their salaries were kept down nearly to the old beggarly level; and against the emotional sentiment for negro enfranchisement with which the republican party was possessed, its devotees in Nebraska opposed the ancient and reactionary restriction to white suffrage. This concession was calculated to weaken or subdue the opposition of the democrats who lacked the stimulus of prospective senatorships and high federal offices which temporarily stifled the principles and stultified the philanthropic professions of the expectant republicans. But by 1869 the partisan emoluments of the change to statehood

had been seized and the dominant Butler faction felt that its new capital, which was an outgrowth of admission, was now established, so that it might safely proceed to enlarge its powers, privileges, and emoluments through a new constitution of broader scope. The malcontents insisted that the state was "hampered by the want of courts, by the need of proper grades in the judiciary and by the picayunishness and general meanness that breathes throughout our organic law." Every fourth year two general elections were necessary because the constitution fixed the time of the state election earlier than that of the national election; the supreme court, *en banc*, "sit on their own decisions"; the code "is a conglomerated patchwork, it is neither the Ohio nor the New York code, which are radically different from foundation to turret, but is a compromise between the two with a lot of loose rubbish culled from all the rest of the states thrown in."

The constitution of 1871 was in the main a replica of that of Illinois which had been adopted the year before, and the long session of the convention was chiefly occupied in rather tedious discussion over proposed changes of the Illinois pattern, but very few of which were made. The spirit of the Granger movement, at that time becoming rife in the north central states, was positively and plentifully reflected in the Illinois constitution; and since the principal debates in the Nebraska convention were devoted to questions of that class they served to disclose the attitudes of the members toward the new and progressive doctrines and also to disseminate them among the people with the recommendation or approval of many of the most influential citizens and political leaders.

The convention is subject only to the secondary liability of an endorser for the long preaching preamble which it copied verbatim from its Illinois model. The Illinois bill of rights was also copied with few and unimportant changes. Five sections were added — defining treason; guaranteeing the right to a writ of error in cases of felony; requiring the passage of property exemption laws; establishing the same rights of property for aliens

as for native citizens; and reserving to the people all rights not delegated by the constitution. The section regulating eminent domain was amplified, and through the persistency of Mason there was added the radical provision that compensation for taking or damaging property, except in time of war or other public exigency or for roads which should be open to the public without charge, "shall in every case be without deduction for benefits to any property of the owner." In the Illinois constitution this question of damages was left to be ascertained by a jury, "as shall be prescribed by law"; and the Nebraska constitution of 1875 has only the simple provision that, "the property of no person shall be taken or damaged for public use without just compensation therefor." There was no counterpart of the robust, radical democrat, Mason, in the convention of 1875.

The article relating to corporations in the constitution of 1871 differs from that of the Illinois constitution only in permitting counties and municipal subdivisions to make donations to them after a proposal to make such grants had been submitted to the electors of the district or division to be affected and approved by three-fifths of those voting upon the question, and in the addition of a few precautionary restrictions. The provision of the constitution of 1871 and of its Illinois original that "the legislature from time to time shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state," was changed in the constitution of 1875 by substituting the merely permissive "may" for the mandatory "shall." While this change was of no practical importance, because there is no power except its own will which can compel a legislative body to this or that action, yet it foreshadowed the complete subserviency to the railroads which has distinguished the political history of the state.

That the committee on railroad corporations were willing to report the Illinois article indicates that the inspiring influence of the Granger sentiment had reached across the Missouri; and the thunder tones of Mason

reveal that the idea of control was clear and insistent. The bold heroics employed by the chief justice in opposing public donations to railroads are not improved upon by the stump speeches or in the judicial harangues of the present anti-corporation heyday, which neither cost courage nor inspire caution:

There was a time when the name of king was hateful to the whole American people. When our forefathers rebelled against British tyranny they came to couple in their minds, with their dislike of oppression, an aversion to the very title under which tyrannical power had been personified. But now we hear constantly of railroad kings — just as if railroad kings were any less odious than political kings! We want no kings of any kind in America — neither political kings nor railroad kings! If the power of the great railway corporations be not curbed and repressed and lessened, and that right speedily, we fear it will be difficult to preserve the liberties of the people in opposition to them. Such aggregations of capital are always naturally and inherently unfavorable to popular instincts and rights. We do not say that the collection and concentration of capital may not sometimes be made to contribute to the public good, but then it should be regulated and controlled by the strong hand of law. It should also be vigilantly and always watched as liable at all times to assume the character of a public enemy. Our great railway corporations already elect state legislatures. These legislatures make laws and exercise more or less power over state judges. At any election of president they may be able to turn the scales in favor of the one candidate or the other. Presidents appoint federal judges, and thus the national courts may be reached. The railway power is the most dangerous power existing in the country today; to make this fact generally realized is the first step toward effecting the reduction of that power.

Robinson skilfully argued that each case of voting aid to railroads and other partially public enterprises was one of expediency to be decided in some fair way by the people themselves and that there was no difference in principle between taxing private property to aid in building railroads and in doing the same thing to maintain public highways or public schools.

Now relative or conventional necessity is but another term for expediency. So if the

proposition is to have any force at all strict necessity must be meant. . . . A small amount of travel, a low state of commerce would not demand a railroad, while it might demand a highway. Again, travel and trade might be so low as to make even a highway unnecessary. In the one case it would be expedient to build a railroad, in the other to build a highway. This, I think, is sufficient to show that the quality of the necessity which ought to enter into the purpose of taxation is wholly conventional and the question whether or not the tax ought to be levied for a given purpose, wholly a question of expediency. Where a tax is levied upon all for a purpose which is exclusively for the benefit of a portion of the community, that is wrong; but that case is not this case nor resembles it.

There was an ostentatious anti-monopoly demonstration also in the long and heated discussion over the liability of stockholders in banking corporations. The committee on banking reported the section of the constitution of Illinois which provided for a liability of an amount equal to the stock held in addition thereto—the provision of the present constitution of Nebraska. This convention discussed at length a proposed section providing for the compulsory attendance at the public schools of children between the ages of eight years and sixteen years and for establishing a reform school. The usual arguments in favor of compulsory education were advanced by Estabrook, Lake, Manderson, Neligh, Vifquain, and Wakeley, and the familiar arguments against it by Kirkpatrick, Maxwell, Newsom, and Robinson. Apparently owing to the fact that the proposal for compulsory education was complicated with that for a reform school which certain members feared might lead to unwarranted expense, the section was separately submitted to the popular vote.

A proposal to insert a section providing that lands granted within the state by the United States to railroad corporations should be subject to taxation as soon as the grant became effective provoked an aggressive discussion in which Boyd's voice alone was heard in opposition. At Judge Mason's instance, the subject was referred to the judiciary committee, with Estabrook, Sprague, and Wakely added,

for information as to the legal power of the convention to reach the desired end. A less definite section than that proposed was adopted.

There was a stirring discussion of Philpott's proposal to add to the section of the bill of rights which made the usual exclusive provision for the grand jury system a proviso that "the grand jury system may be abolished by law in all cases." Estabrook, always progressive, said, "it does seem to me that the occasion for the grand jury has gone," and Lake, Majors, Maxwell, Strickland, and Thomas also supported the amendment, while Campbell, Manderson, Mason, Myers, Wakeley, and Wilson opposed it. Mason, as usual, spoke to the principle involved, contending emphatically that the alternative method of accusation by information placed an undemocratic and dangerous power in the hands of one man. The dispute resulted in a compromise by which it was left to the courts to impanel grand juries in their discretion—substantially the provision of the Illinois constitution and the present constitution of Nebraska. The convention frequently set out on an original departure from its Illinois copy but seldom got far astray.

The report of the legislative committee provided that the first senate under the new constitution should have twenty-five members and the first house of representatives, seventy-five. This precipitated a heated debate, and the number was reduced to nineteen for the senate and fifty-seven for the house. In both cases it was left to subsequent legislatures to fix the number of members, but it should not exceed thirty-three for the senate or one hundred for the house. Delegates from the western counties clamored for the larger number so that they might have effective representation. The more conservative members insisted first the chambers would not accommodate the proposed numbers and that the expense of so large a body would be too great.

Lake warned the convention that a feeling of opposition to the constitution throughout the state had already been engendered on account of its extravagant provisions which might defeat its adoption. He pointed out

that there were only two important objects in reforming the constitution, the first to create an independent supreme court and perhaps add one more judicial district, and the second to consider the question of extending county and municipal aid to railroads; but, he complained, "we are getting up a constitution which will require a much larger expenditure of money in order to carry out its provisions properly than is expended in many of the older states."

The various petitions relating to the liquor traffic were referred to a special committee of which Oliver P. Mason was chairman. Judge Mason made a long report which was chiefly an arraignment of the traffic, and it stopped short of recommending absolute prohibition only because the committee feared that it would not be a practicable remedy for the evils which the report portrayed. "Had your committee the evidence that a prohibitory liquor law would be sustained by the vote of a majority of the legal voters of the state, they would earnestly recommend to this convention the adoption of the inhibitory principle . . . but not having this evidence before us and realizing that such a law unsanctioned by the people might be productive of evil and not good," the committee proceeded to recommend an article directing the legislature to pass a local option law essentially the same as the measure later favored by prohibitionists and which came near being adopted at the session of 1911. The question was compromised by submitting the prohibition provision separately and simply authorizing the taxing of liquor dealers in the article on revenue and finance.

The proposal to confer the right of suffrage upon women caused a rather one-sided debate in which Estabrook and Manderson argued for the affirmative in extended and able speeches. Manderson saw the early advent of the expanded suffrage in the agitation then going on in England. ". . . Meetings are being held in every city and town and some of the foremost men and women of that country are advocating the measure. They are knocking at the doors of parliament, and we are told that not many months will elapse

ere this [right] will be extended to woman." The fact that just such a demonstration is now stirring English politics coupled with the fact that Wakeley's statement in the convention that he wanted women to have the right to vote whenever they demanded it and favored the submission of the question to them alone expresses the present common sentiment of men toward the question and indicates that there has been but little change in its status in the intervening forty years. Estabrook stated that in the opinion of able constitutional lawyers the fourteenth and fifteenth amendments conferred the right to vote upon women, and he cited the recent favorable expression of Jeremiah S. Black and Michael C. Kerr, leading democrats, as the basis of his belief that woman suffrage would soon be adopted as an issue of the democratic party. But neither of the national party conventions of 1908 seriously thought of favoring woman suffrage. The convention evaded the question by shifting it on to the people by the convenient separate submission device.

The clause affecting the taxation of church property was the most important provision of the constitution because it was chiefly responsible for its rejection by the people; and yet it was adopted after thorough discussion and was probably just and fair. Mason precipitated the debate by a motion to strike the word "religious" from the section reported by the committee which classified the property usually held exempt from taxation.

A section reported by the committee, which provided that "the capital or seat of government shall remain at the city of Lincoln," precipitated a lengthy and heated debate. Boyd moved an amendment which provided that it should remain in Lincoln until 1880 and thereafter until it should be removed by a law designating some other place to be approved by a vote of the people. Estabrook, Hascall and Myers, all of Omaha, and Kirkpatrick and Stevenson advocated the original section, while Philpott of Lancaster county, Mason, and Wakeley supported Boyd's amendment which was carried. The constitution cured the uncertainty as to when the functions of

an impeached officer should cease by providing that no officer shall exercise his office after he shall have been impeached and notified thereof until he shall have been acquitted. This amendment was carried into the constitution of 1875 though that instrument lodged the power of impeaching in both houses instead of the House of Representatives alone and the authority to try the impeached officers in the supreme court instead of the senate.

The constitution was rejected at the election held September 19th, by a preponderance of 641 votes. While some of the objections urged against it were legitimate, yet they were not of sufficient importance to warrant its repudiation; but they were used to increase and justify the factional and sectional prejudices and to cover the corpora-tion hostility, which together mainly inspired the opposition.

Owing to the adverse conditions in which Nebraska was first occupied by white settlers, the plea of poverty became a habitual state of mind which has long outlived the economic fact which produced it. The chief objection to statehood in 1860 and in 1866, and to the adoption of the constitutions of 1871 and 1875 was that they would be too expensive. This now venerable obsession reduced salaries of public officers to the level of beggary in the first constitution, to inadequacy in the two subsequent constitutions, and still keeps certain of the state institutions in penny wise and pound foolish starvation. And so economy was the war cry against adoption of the constitution. It was objected that it was better fitted for a state of half a million, than for one of only 175,000 people; that the salaries of executive officers were too high; that the number of members of the legislature was too large, and that their compensation was unnecessarily increased from \$3 to \$4 a day, and no limit was fixed to the length of the sessions. By defeating the constitution the state would save annually \$17,000 in judicial and \$10,000 in executive salaries; \$10,000 in extra expense of census taking; and \$60,000 by avoiding a special session of the legislature. At an anti-constitution public meeting held in Omaha, August 29th, the statement

was made that the salary provided for judges of the supreme court in the proposed constitution — \$3,500 — was the highest of a list of salaries paid such officers in twenty-three states. Judge Oliver P. Mason spoke in favor of adoption at this meeting.

The fact that the recently adopted constitution of Illinois had been drawn on freely for material by the Nebraska convention was used as an argument in favor of the approval of its work. It was said that it contained "nearly all the wholesome reforms embodied in the new constitution of Illinois, which is acknowledged to be the best in the United States," and was ratified by a majority of more than 100,000 votes. Although the proposed constitution was bitterly assailed, on the other hand its friends were alike active, and the arguments in its favor were promulgated with ability and industry. Printed copies of the instrument, preceded by an address which explained and moderately extolled its merits, and underwritten by a committee composed of Chas. F. Manderson, chairman; John C. Campbell, David T. Moore, Eleazer Wakeley, Enos F. Gray, Alexander S. Stewart, and Charles A. Speice, were distributed to voters. Friendly speakers and newspapers also enlivened the thirty days' campaign.

Encouragement of railroad building had thus far been the prime article of economic and political faith in Nebraska; and, therefore, railroad interests would naturally be inclined to nip in the bud the presumptuous

heresy that was propagated in the regulatory provisions. Other corporation interests had reasons of their own for joining the railroads in opposition to adoption. But while these considerations contributed toward rejection, it was chiefly due, no doubt, to the general public disapprobation and distrust of the political status. The spectacle of the impeachment proceedings and the succeeding political anarchy, which just then filled the public eye, were well calculated to produce a restive public disposition. While sentiment for and against the constitution was not clearly defined by the old Platte river sectional line, yet the vote of the North Platte section was 4,932 against and 2,068 for; while that of the South Platte was 5,918 for and 3,695 against, and eighteen of the twenty-two North Platte counties gave majorities against, and ten of the sixteen South Platte counties for adoption. The vote of the four North Platte counties that favored the constitution, with the exception of Cuming, was very small. It is significant also that the decidedly democratic counties of Dakota, Platte, and Sarpy were almost unanimous, and Dodge was strongly against the constitution.

The vote on the five sections submitted separately follows; Liability of stockholders, 7,286 for, 8,580 against; municipal aid to corporations, 6,690 for, 9,549 against; compulsory education, 6,286 for, 9,958 against; submission of prohibition proposition, 6,071 for, 1,060 against; woman suffrage, 8,502 for, 12,676 against.

CHAPTER XXVI

A SPECIAL SESSION FIASCO — THE TENNANT CASE — RIGHT OF A NEGRO TO BE A JURY-
MAN — VALIDITY OF ADMISSION TO STATEHOOD — POLITICAL DISRUPTION OF 1872 —
THE FURNAS LIBEL SUIT — THE KENNARD CLAIMS — STATE FINANCE —
RETIREMENT OF TIPTON AND ELECTION OF PADDOCK FOR UNITED STATES
SENATOR — FINAL DEFEAT OF THAYER — CAPITAL REMOVAL —
LEGISLATURE OF 1875

IT DID NOT satisfy the hunger for disorder that the cup of anarchy had been filled by the performances of the adjourned session of 1872; and the enemies of the acting governor's régime set about causing an overflow. The disturbers had won over to their side Hascall, the president of the senate, who in the temporary absence of Acting Governor James from the state, himself assumed the office of acting governor, and, on the 8th of February, hastily issued a call for the legislature to convene in special session, February 15th. The objects of the session as stated in the call were to enact laws, (1) providing for the encouragement of immigration; (2) for the issuance of funding bonds to the amount of \$50,000; (3) to declare the cases in which offices were deemed vacant and the mode of filling them; (4) for investigation; (5) relating to common schools; (6) to cities and towns; (7) to new counties; (8) appropriation of money for the general welfare; (9) for the keeping of state prisoners; (10) increasing jurisdiction of probate judges; (11) correction of the journals of the last regular session of the legislature.

Acting Governor James left the state February 6th, to go to Washington on public business. He did not take the usual course of notifying Mr. Hascall, who, according to the constitution, would become acting governor in case of his own absence from the state, probably because he was unwilling to contribute toward Hascall's authority for convening the legislature. The faction which was clamoring

for a special session charged James with bad faith in violating an alleged agreement to call it, as a condition of the settlement of the adjournment imbroglio of the January session. Whether this assertion is true or not is past finding out, and it has little or no bearing upon the question of the propriety or legality of Hascall's obtrusion. On the 13th, Acting Governor James issued a proclamation declaring that issued by Hascall unauthorized, null, and void, and enjoining the legislature to disregard it.

On the 15th, seven senators — a bare quorum — and fifteen members of the house — five less than a quorum — mustered at the capitol in response to the spurious call, but they found the doors of the chambers locked and barricaded on the inside. Twenty members of both houses — presumably all who were whole-hearted in the enterprise — united in a petition to the acting governor, who had hastened back from Washington after a stay of only six hours, for admission to their respective halls. A teapot revolution followed the firm denial of the request, and emissaries of the insurgents gained access to the chambers by unusual and devious ways. Those who honored the call were, in the main, representative of the Lincoln cabal, and the coterie which had favored the salt subsidy and the impeachment of Gillespie. "After the room was cleared of the barricades, and the janitors had made the fires, the senate proceeded to business," which consisted of the appointment of a committee to inform the

house that it was ready for business, and another to report rules. The house appointed T. B. Hartzell as sergeant-at-arms, and seven assistants, and instructed them to bring in absentee members. On the second day the accession of Cropsey, Linch, and Tennant, with the loss of Sheldon and Smith, raised the number of senators to eight. The house reported twenty absent, which meant one less than a quorum present. But trickery and fraud quite commonly defeat themselves. On the 17th the senate passed a bill providing for the filling of vacancies in executive offices. But it was now easy to discern that this ill-considered scheme was a failure, and as rats desert the sinking ship, the members who came were not inclined to stay. On the 19th the opposition played its trump. On the arrest of Senator Tennant by the sergeant-at-arms, to compel his attendance, a writ of habeas corpus was applied for in the supreme court. At the hearing on the 21st, the testimony of Acting Governor James, his private secretary, and Senator Hascall was taken. In the report of the case it is stated that, "Hascall, who resided in Omaha, learning of James's absence, went at once to Lincoln, the capital, and under pretense that the document was one certifying that some person was a notary public, obtained from James's private secretary the great seal, long enough to get its impress to a paper of which the following (the proclamation) is a copy, and which was published in some of the papers of the state."

Eleazer Wakeley and Mark H. Sessions, counsel for Tennant, adopted and emphasized the theory that Hascall had not assumed the office of governor, according to the spirit and form contemplated by the constitution. He had not acted in good faith, but had clandestinely slipped into the governor's office and, under a false pretense, appropriated and used the seal for this single specific purpose. Judge Lake leaned to this view in his opinion; but Crouse did not commit himself on that point. Both of these judges, however, contended that the executive had complete control of the proclamation up to the time when it had become finally effective, and that, having recalled it, the legislature was not in

legal session, had no authority to compel the attendance of members, and so its "every act is without the shadow of authority." Judge Mason, in his dissenting opinion, made the very strong point that the regularity of the procedure, preliminary to the assembling of the legislature, could not be questioned collaterally; it had resulted in a session, at least *de facto*, of a coördinate department of the government of which the other departments were bound to take judicial notice. The chief justice also strenuously maintained that Hascall's call became vitalized beyond revocation the moment that it was issued. He plausibly more than hinted that the majority was governed by political bias. "Courts should yield to no clamor, and shrink from no responsibility," he said. Justice Crouse protested against Mason's insinuations in a curt note appended to the opinions, in which he said that his opinion and that of Judge Lake were given hastily at the time of the hearing, while Mason had taken time for investigation before preparing his own.

Decisions of questions with a political bearing by mere majorities in our courts, high and low, are so common, that Judge Mason's strictures need not excite our wonder. It seems relevant to note that the domicile of the two agreeing judges was in the North Platte, and that of the dissenter was in the South Platte. There is ground for perpetual dispute as to whether the contention of the majority or that of the minority is the better sustained by reason. The effect of the decision was at least salutary in summarily circumventing the cheap trickery of Hascall and relieving the state from another scandalous exhibition of imbecility. For it is not probable that a working quorum could have been kept together. The attitude of the press is as clearly explicable as the opinions of the learned judges are indeterminate and confusing. The Lincoln organ was of course in favor of a session, and so the *Tribune-Republican* at Omaha was of course violently opposed to it. The *Bee*, just then fighting for a foothold in the Omaha journalistic field, was against its local rival, and so supported Hascall. The episode moved the nearly republican organ in the neighboring

state to a drastic summing up of political conditions in Nebraska:

That the state of Nebraska is blessed with the scurviest set of political rascals outside of New York, no one who has noticed the course of events in that state during the past twelve months will question. The governor has been impeached and deposed, and the last session of the legislature was an illegitimate and abnormal affair, characterized throughout by scenes of violence and disorder that would have disgraced the lowest bar-room brawl. And now comes Senator Hascall, president of the senate, proclaiming himself acting governor in the absence of Governor James who is at present out of the state. His first act is to issue a proclamation convening the legislature on the 15th inst. . . . The *Omaha Tribune*, in a double-leaded article, denounces this action as revolutionary, "the cheap and dirty trick of an irresponsible and unprincipled politician, an insult to the state and a dastardly game of personal revenge against Gov. James."

The game of politics, played upon a larger scale and by the larger men, though never fastidious or on a very high plane, is interesting and instructive. In this degenerate aspect, however, its petty story is told and tolerated chiefly for the incidental light it throws upon the evolution of the commonwealth.

In February, 1872, the supreme court of the state decided that the statute confining the legal right to sit on juries to free white males was overruled by the condition to admission interposed by Congress, which declared that there should be "no denial of the elective franchise, or of any other right, to any person by reason of race or color." The question arose in the trial of one Brittle on a charge of burglary, in the district court of Douglas county, when the right of Howard W. Crossley, a negro, to sit on the jury was challenged by the defendant. Chief Justice Mason dissented from the decision of Justices Crouse and Lake. Justice Mason answered in the negative his question, "Could Congress change the constitution which the people had adopted and admit the state into the Union with its fundamental law so changed, without the consent of the people?" He contended that, "being elected by the people to legislate under the restrictions of the constitution, the legislature was not, nor could Congress, by recognition or

otherwise, constitute it, the representative of the people to overturn the law which the people had established for it as well as for the citizen." The "very best constitutional lawyers of the land," who were members of the Congress which imposed the condition, knew that it was without force or effect. "The people of this state never voluntarily entered the Union with a constitution amended by the erasure of the word 'white.' Congress admitted representatives from the state, and the territorial government was withdrawn; and nothing remained for the people but to go on under the state government. Coerced in this way their action is now said to conclude them."

This question "is too serious to be answered by a sneer. It is too profound to be solved by an appeal to partisanship. . . . It has always been conceded that Congress could not prescribe a form of government to a people, save that it should be republican in form."

In the majority opinion it was pointed out that the enabling act — of 1864 — prescribed that a convention, organized according to provisions of the act, should meet in July, 1864, and form a constitution which should be submitted to the electors of the territory, for their ratification or rejection, in the following October; and that the sentiment of the people at that time being opposed to a change to statehood, the convention "refused to make a constitution and adjourned sine die." Afterward, in 1866, "as is well known, the constitution was originally drafted in a lawyer's office by a few self-appointed individuals," who "importuned the legislature then sitting, to submit it to a vote of the people."

And then the opinion proceeds to pronounce little short of a dictum that the constitution was not fairly adopted by the popular vote on account of the throwing out of the Rock Bluffs ballots and the improper counting of the soldier vote:

Suppose, then . . . a criminal is put upon his trial; and, as a defense, he offers to show that at the June election in 1866, a clear majority voted against the adoption of the constitution, notwithstanding the board of canvassers have declared otherwise. . . . I am satisfied that he could make a fair showing in that direction. It is said that a whole precinct

in one county was thrown out, where the majority was already against the constitution; that, in another place, a large number of soldiers voted in its favor, with no pretext of right so to do; and in other respects, irregularities intervened which might easily overcome the declared majority of a hundred. This might well be where a vote was had under no competent authority, and where no one, for ballot-box stuffing or for false returns could be punished. Would the court allow the evidence?

The opinion held that it was clearly too late to question the validity of statehood, and so of the terms and conditions under which admission to statehood had been effected. The federal constitution simply prescribed that, "new states may be admitted into the Union," and "this is all that is said. The manner in which such states shall be formed, or how they shall be introduced, is nowhere prescribed. It is a political question, to be settled by the people of the territory on the one side and the Congress on the other. When the fact of admission is established, the courts are bound by it and cannot go behind it." It was argued that the question, how or by whom the constitution was formed, was of no consequence, neither was it necessary to submit it to a vote of the people. Congress had prescribed submission in the original enabling act, but that act was not regarded as a standing offer; so in 1867 Congress amended the constitution offered by the legislature, the territory accepted the amendment, the territory was then formally admitted under this last provision of Congress and assumed the functions of statehood.

Justice Mason was no doubt right in his emphatic contention that Congress could not force a constitution, or any part of one, upon a prospective state, and that the condition of admission which undertook to confer suffrage upon negroes was null and void. "At the time of the discussions over the Lecompton constitution in Kansas, by which the whole country was convulsed, it was universally supposed that the doctrine was once and forever settled, that no territory could be forced into the Union until its people had a full, fair, free opportunity to express their approval or disapproval of

its constitution. . . . Until the case of our state arose, no single instance ever occurred of Congress admitting a state without the popular approval of the constitution." The Congress which imposed this condition comprised many very able men—among them the most eminent leaders of the republican party—most of whom, without partisan distinction, emphatically expressed the opinion adopted by Justice Mason. His dissenting opinion reduced the controversy to two points: "There are but two circumstances in the whole course of this history which deserve a moment's consideration—one, the vote of the people upon the constitution, without which all that had gone before was of no avail; the other the action of Congress. Each, in its turn, cured all irregularities which preceded it, and relieves us of the necessity of any inquiry in respect of everything else."

Jurisprudence being very far from an exact science, as is illustrated by the not infrequent five to four decisions of our highest judicial tribunal, we may not be expected to see clearly why subsequent uses, by assumption of the functions of statehood under the color of a contract, consisting of the acceptance of at least a part of the constitution by a formal popular vote and of another alleged part of it by the legislature on the one hand, and the act of Congress and the proclamation of the president on the other, should have cured all irregularities except the suffrage condition or amendment. Yet when it is considered that the constitution which the people approved does not contain the suffrage condition, there appears to be at least a judicial distinction, or color of reason, which justifies Justice Mason's conclusion.

But Justice Mason's second contention, that the statute excluding negroes from jury service was not inimical to the fourteenth amendment of the federal constitution, was swept away by a decision of the federal Supreme Court in 1879. The court made a distinction which left some plausibility for Justice Mason's distinction that jury service was not a "right" but a public duty or burden. "We do not say that within the limits from which it is not excluded a state may not prescribe the qualifications of

jurors, and in so doing make discriminations. It may confine the selection to males, to freeholders, to citizens, to persons within certain ages, or to persons having educational qualifications"; but the aim of the fourteenth amendment was to prevent discrimination on account of race or color, and this was the effect of the statute of West Virginia, as also of that of Nebraska in question.

The year 1872 was distinguished by political revolt: within the republican party against a corrupt and despotic machine, commonly called Grantism; within the democratic party against a bourbonism which kept it chained to a dead past. The movement led to the nomination of Horace Greeley for president, by a formidable rebellious faction called "Liberal Republicans" and also by the democratic party, whereby the latter turned its back on its traditions and on some of its principles. Dissatisfaction and disgust with local conditions had particularly prepared those Nebraska republicans who were courageous enough, to revolt even in the cause of reform for the general weal.

At a mass meeting of liberal republicans, held in Nebraska City, the last week in April, Geo. W. Ambrose and John McCormick, of Omaha, Dr. Renner, of Nebraska City, and A. W. Kellogg, of Lincoln, were chosen as delegates to the liberal republican national convention, which was held in Cincinnati. In June and July, David Butler, ex-governor; Oliver P. Mason, chief justice of the supreme court; Thomas W. Tipton, United States senator; Monroe L. Hayward, many years afterward a United States senator; Experience Estabrook, ex-attorney-general; and Elder John M. Young, of Lincoln, all prominent republicans, made speeches for Greeley. Hayward, Mason, and J. Sterling Morton spoke at a Greeley meeting in Nebraska City. Spectacles of like incongruity are found only in the proverbial strange bedfellowships of politics; though all three of these men were inclined to independent action. Mr. Hayward also signed the call for the liberal republican state convention held this year. The prematurity of this attempted local fusion almost equaled the like attempt in the national campaign, and in such conditions success in either case was not to be

expected. The signal failure of this reform movement in its national aspect greatly strengthened the regulars locally and left them in power until the successful populist revolt twenty years later. A republican convention was held at Lincoln, May 15th and 16th, for the purpose of choosing delegates to the national convention. The strained formality of long lists of vice presidents and large committees and tedious two-day sessions, even, with but a single simple function to perform, was still in vogue. The remarkable feature of the convention was the advocacy of popular election, not only of United States senators, one of our present-day most prominent objective reforms, but federal administrative officers in general. Acquiescence by this body in national political conditions was perfunctory and a matter of course.

But that devil which had so long inspired the local republican machine was content to recognize, monk-like, the sickness of the national organization and to prescribe civil service reform; and revenue reform, also, by "adjustment of the tariff until protection shall bear equally upon the different sections of the country." The republican organ at Omaha continued its complaints against the northeastern sectional tariff policy, but to which the party throughout the west fell complete captive during the following decade.

The democratic convention, held at Lincoln on the 20th of June, joined the Greeley reform movement, which had been formally started at the Cincinnati convention. Notwithstanding the consistency and justification of the reform slogan, of which there was forcible local illustration, and the considerable license allowed in politics for strange bedfellowship, the incongruity between the leader and the new departure following was too great to be taken seriously. The moral effect of this independent protest was lasting and greatly aided the logical leadership of Tilden to sweep the country — by the popular vote at least — four years later, and substantial victory eight years later still. Greeley and his traditions were a dish bitterer than crow for bourbons of the Morton type, who were leaders of the Nebraska democracy; but their lane of defeats had been

very long, with still no sign of turning, and anything that involved a possibility of change doubtless seemed better than to further pursue the monotonously direct course to failure.

In the fall there was a formal fusion of democrats and liberal republicans for the local campaign by the same methods which were employed by democrats and populists in and after 1894. Henry C. Lett of Nemaha county, headed the fusion ticket as candidate for governor; James M. Woolworth of Douglas county, was nominated for chief justice of the supreme court; and Jesse F. Warner of Dakota county, for member of the lower house of Congress. At the republican convention, held September 4th, Robert W. Furnas was nominated for governor, and George B. Lake for chief justice of the supreme court. John Taffe was at last retired from Nebraska politics by this convention, and Lorenzo Crouse, an improvement in ability and virility, was nominated for member of the national House of Representatives, in his stead. Lett, Woolworth, Warner, Lake, and Crouse were all men of a higher average of character and ability than previous nominees for the same offices. While not nearly as bright a man as his opponent, Mr. Furnas had an advantage of military prestige and as a pioneer devotee and demonstrator of horticulture and agriculture.

It can only be said that the political canvass of 1872 was less acrimonious than its later predecessors. The recent shocking exposure of crookedness which had characterized the whole career of the state ought to have caused a reaction which would have assured the nomination for governor of a man above corruption or suspicion. But the relentless editor of the Omaha *Herald* remembered that, as a member of the third territorial legislature, Furnas had been charged with receiving a bribe to vote against the removal of the capital from Omaha to Douglas City, and the *Herald* opened its campaign with specific reiteration of the old accusations. The fact that fear of defeat drove Furnas to boldly meet the accuser by beginning a libel suit against the *Herald* at least indicates the appearance, or reappearance, of a public con-

science, though friends of the candidate, much shrewder than he, advised against this course as unnecessary and unwise. There were counter charges that Lett had fraudulently obtained twenty thousand acres of the state's public improvement lands for the Brownville, Fort Kearney & Pacific railroad company, of which he was president, by making a false affidavit that ten miles of the road had been constructed when rails had been laid on only seven miles, and all of the work done was of very inferior quality. Incidentally, the Omaha & Southwestern, or the Atchison & Nebraska company had been thus swindled out of a just right to these lands. John J. Gosper, republican candidate for secretary of state, was also smirched by the campaign character-painters.

Because the independent or insurrectionary movement meant chiefly a "new departure," looking to the weakening or breaking of now unnecessary and only hurtful party bonds — this purpose was emphasized by Greeley — it was premature. It also unwisely sought to unite incongruous political elements. Greeley, therefore, carried only six states, all of the south. Economic conditions in Nebraska still encouraged dependence on the paternalistic republican party, and notwithstanding the defection of many of its influential leaders, it was successful by an increased majority of about 6,000. But the charge of bribery against Furnas was not ineffective, and he ran about 600 behind the average vote for his party ticket.

The fifth legislature met in the ninth session, being the third regular session, January 9, 1873, and finally adjourned March 3, 1873. William A. Gwyer of Douglas county, was elected president of the senate, Guy C. Barton of Lincoln county, the democratic candidate, receiving only two votes. Mark H. Sessions of Lancaster county, was elected speaker of the house; his opponent, R. F. Stevenson of Cuming county, receiving only seven votes.

Acting Governor James, who had at least successfully held on to his office with pertinacity against the schemes and machinations of the Lincoln machine, in his retiring mes-

sage to the legislature expressed the hope that "the animosities engendered by the fierce political strifes through which we have passed in the last two years, may be buried and forgotten." Practical encouragement to immigration was still urgently needed, and the message justly commended the Burlington & Missouri and the Union Pacific railroad companies "for their material aid in advancing this important interest." In the face of the chronic denunciation of the State University as a failure by the Omaha press, the message commended its purpose and progress — a needed, and, coming from the North Platte, a notable concession.

Governor Furnas in his inaugural address complained that the law exempting lands planted to trees from taxation had become oppressive, causing an annual loss to the state in revenue of \$200,000; he urged the revision of the constitution in the most expeditious manner possible; recommended the development of coal and salt deposits by the state; and insisted that the Indians should be removed from their reservations, and from the state. Governor Furnas was a man of humane and gentle impulses, and to the Indians the persistent determination to dispossess them of their ancient domains was cruel. But this was a question of economic competition, which is in its nature relentless, and by its pressure within a decade three of the tribes of the weaker race were forced to go because they were the weaker race.

Political turbulence, which had thus far characterized the state's career, had apparently exhausted itself. No doubt the formidable beginning of dismemberment of the dominant party had also a sobering effect; and so the session of the legislature was not marked by so much as a single violent episode or even by any procedure of unusual importance. William F. Cody, better known as Buffalo Bill, was the democratic candidate for member of the house from the twenty-sixth district and according to the returns of the board of canvassers of the district he was elected by a majority of 44 votes. The report of the committee on privileges and elections disclosed that the clerk of Harlan

county had neglected to transmit the returns of the election in that county to the canvassers of Lincoln county as he was by law required to do. The committee found that by counting the votes of Harlan county, D. P. Ashburn, Cody's opponent, was elected by a majority of 42 votes. The house thereupon decided to "go behind the returns" of the canvassers and seat Ashburn. Mr. Cody did not appear to claim the seat, and the erroneous popular belief that he was a member of the legislature arose from the finding of the canvassers of Lincoln county who were authorized to canvass the returns of the seven counties comprising the district.

Two resolutions were reported in the house authorizing the resubmission of the constitution of 1871 with such changes as the legislature might make. The majority of the committee to whom they were referred recommended the adoption of one of them (H. R. 71), but Babcock's minority report, which contended that the proposed "revision and submission of the so-called new constitution" was beyond the powers of the legislature, and recommended that the question of calling a new constitutional convention be submitted to a vote of the people at the next general election, was adopted; and thus the foundation was laid for the convention of 1875.

Erroneous information that a bill to remove the capital had passed, sent to the Omaha newspapers on the 12th, led them to expose their anti-Lincoln animus. The next morning the *Herald* entitled its editorial leader, "Move It, yes, move It!" and the *Republican* was equally vociferous. On the same day, also, over-sanguine removalists telegraphed to Senator Hitchcock at Washington, that the capital was on wheels, Lincoln was dead, and an appropriation for a postoffice was needless. A motion to indefinitely postpone this bill was lost by a vote of 14 to 22; but it was not difficult to demoralize the removalists because they could not agree on a new location, and the bill was finally laid on the table by a vote of 25 to 11, six members from the North Platte — Bartlett and Goodman of Douglas county, May of Dodge, Nelson of Burt, Sprick of Washington, and Tzschuck of Sarpy —



W. A. Brady
"Buffalo Bill"

voting with the majority. The eleven who voted against the motion were all of the North Platte section, except Brown, of Cass. Two of the six members from Douglas voted for postponement.

The *Bee*, February 19, 1873, declared, "that Lincoln could not remain the permanent seat of state government must be conceded on all hands." It offered as a salve for its unwarranted cocksure conclusion the theory or argument that the *Herald* had used when Omaha lost the capital, namely; that Lincoln as a city was now a fixed fact and would not permanently suffer from removal. Its solicitude for getting the capital away was ostensibly based on a condition, not a theory. "A most pernicious atmosphere of corruption surrounds our legislators whenever they assemble there."

Reiterated charges by the press that the act of the legislature authorizing the construction of a state penitentiary had been corruptly violated by the state prison inspectors in entering into a contract whose consideration greatly exceeded the proceeds of the lands which were appropriated to pay for the structure, and that the contractors, Stout and Jamison, had done dishonest and inferior work, forced the legislature to enter on an investigation. A. K. White, J. S. Brown, Charles L. Metz, and R. H. Wilbur of the house committee on the penitentiary made a majority report which was little more or less than a whitewash. Henry Sprick made a minority report which contended that the original act appropriating the fifty sections of penitentiary land for the purpose of building a penitentiary and the amendatory act granting twenty additional sections, "commonly known as the capitol building lands," for the same purpose, clearly contemplated that the cost of the building should be limited to the proceeds of the lands, and that the contract made June 13, 1870, providing for an expenditure of \$307,950, an amount in excess of the proceeds of the lands, violated the law. The report showed also that the builders had not complied with the specifications. A special investigating committee of the house, consisting of Silas Garber, M. Dunham, A. H. Babcock, L. M.

Howard, and C. W. Wheeler, made an extended inquiry in which many witnesses were examined. All of the members of the committee excepting Wheeler joined in applying a finishing coat of whitewash to the transaction. Mr. Wheeler's minority report reinforced that of Mr. Sprick. He pointed out that the provision of the original act, which limited the time for the erection of the building to one year, clearly showed that it was the intention of the act to limit the expenditure to the proceeds of the appropriation of fifty thousand acres of land. This time limit was not extended by the legislature until February 10, 1871, eight months after the excessive contract had been made. Experience proved, what this unlawful contract showed on its face, that its execution would take a great many years. Mr. Wheeler contended that if the inspectors who executed the contract could bind the state for any amount whatever beyond the appropriation they could have so bound it to an unlimited amount, and that the proposed building was disproportionate to the needs and financial condition of the state. In July, 1870, new plans and specifications were improperly substituted for the originals; inferior lime was used in the walls when the specifications called for cement; and heading courses had been omitted.

The administration of our great public land trust has been distinguished by gross frauds during the last forty years, but it is only under the administration of the late strenuous executive that the honest determination and indomitable will requisite for their detection and punishment have come together. In that earlier heyday of fraud and profligacy it would not be expected that a legislature of Nebraska, whose paramount fealty was party fetichism, would have the will to find the way to fraud in the sale of the penitentiary land if the vociferous allegations of their perpetration were true. The Omaha newspapers led of course in these charges of fraud. The *Herald* alleged that lands were sold for two dollars an acre which under an honest sale would have brought from five dollars to ten dollars. The *Republican* was equally censorious. "It seems

to us that \$307,000 was a pretty large sum for the prison inspectors to pay for a penitentiary in so young a state and so sparsely populated, and it further seems to us that \$174,000 was a low price for 44,800 acres of land." The lands, it was insisted, were to pay in full for the buildings. It was never dreamed that the state would be called upon for the payment of \$160,000 or any other sum. But, as a matter of course, the legislature authorized the levy of a half mill state tax for 1873 and 1874, and a mill tax for 1875 and 1876 to pay the excess which was incurred not only unlawfully but unreasonably. This tax was a grievous burden on the settlers in those years of grasshopper devastation and a still more hurtful burden for many years to come in the shape of Stout politics as well as Stout contracts.

It was a grievous fault of the newspapers at that time to make extravagant and often reckless assertions as to malfeasance of public officers upon hearsay. Thus the editor of the *Omaha Herald* made the boldest charges against the Butler administration and in the penitentiary affair, yet in both cases, when summoned to testify, he as positively asserted that he did not know "a solitary fact" — except of course by hearsay. A juster public opinion today requires of newspapers an available basis of fact to justify accusations of this nature; and so the press is doing the most effective as well as genuine detective and reform work. Demands by the legislature in the form of joint resolutions, upon the late acting governor, auditor, and superintendent of the insane asylum, for funds and furniture belonging to the state, which, the resolutions alleged, had been wrongfully appropriated by those officers to their personal use, illustrate the continuing disgraceful public corruption, or else a mean and outrageously slanderous spirit. The legislature seconded the contention of the governor that the state should be rid of the Indians by memorializing Congress to that end, and continued the now familiar complaint of manipulation by the railway companies of their land grants in a manner unfair and oppressive to the homesteaders and preëmptors.

The continuing aggression of the Indians on the westerly settlements was set forth in a request for the establishment of a military post, west of Red Willow county, by the federal government; and the impracticability of leaving an uncivilized and unassimilable, though peaceably inclined, people in juxtaposition with aggressive civilization was emphatically set forth in a demand that the Otoe and Missouri, Omaha, and Pawnee be absolutely restrained from passing through the white settlements on their way to the hunting grounds now beyond the frontier.

The public scandals which had been continuous since the organization of the state government — and especially since the removal of the capital to Lincoln — up to this period, were varied or signalized by periodical, explosive episodes. There was the impeachment of Governor Butler in 1871, the anarchical disturbances between the legislature and Governor James in 1872, and now, in 1873, another famous state trial in which Governor Furnas, though nominally plaintiff, was really defendant. Furnas foolishly began the suit but, in view of the damaging facts which it judicially established, he more foolishly allowed it to be brought to trial. The defendants were George L. Miller and Lyman Richardson, publishers of the *Omaha Herald*, and they were charged with having libelously alleged that Furnas stipulated to receive and had received \$3,000 in gold, while a member of the council of the third territorial legislature, in 1857, to influence his vote on the question of the removal of the capital from Omaha to Douglas City. The trial began June 19, 1873. Oliver P. Mason, Seth Robinson, and John C. Corwin were counsel for Furnas, and Eleazer Wakeley, James W. Savage, and George W. Ambrose for the defendants.

Furnas voted for the removal bill when it passed the council, but on the dilatory motions made by its friends who favored a test vote on the question of passing the bill over the governor's veto, he changed sides and voted with the anti-removalists. Finney, member of the house from Nemaha — the same county which Furnas represented —

voted against the passage of the bill. These two were the only members from the South Platte section who stood against passing the bill over the veto, and, more significantly, only the vote of each was lacking in his respective house to override the veto.

Benjamin P. Rankin, who had been member of the territorial legislature and also treasurer of the territory, was a lobbyist in the legislature of 1857 and conducted negotiations with Furnas. At the time of the trial he lived at San Jose, California, and Oliver P. Mason took his deposition at that place. In the course of his testimony he said: "I may have told, and probably did tell, Poppleton and others that I had paid, or was to pay, R. W. Furnas money in consideration of his vote." He also testified that he made no offer or promise of money to Furnas except to compensate him for loss of profit on public printing which might be taken away from him by the majority of the legislature, which favored removal of the capital, if he should vote against them. The witness "understood" that there was \$3,000 deposited at Moffat's bank to secure the vote of R. W. Furnas, but did not see it deposited or taken from the bank.

The following pledge which Furnas signed was introduced in evidence: "I hereby pledge myself to oppose any and every bill for the removal of the capital from Omaha city at the present session of the legislature of Nebraska, and for the division of Douglas county and for the change of the county seat of said county." Furnas testified that this pledge was in Rankin's handwriting, but he himself signed it. Rankin said to him, "If you will sign this pledge I will protect you in the profits of public printing." "I think since," Furnas answered, "that it was very improper for me to sign it. Other men may have reaped benefits from it, and I have had to lay under that cloud for seventeen years." He expected that citizens of Douglas county would make up the loss of the profits on his contract for the territorial printing if there should be any, and that was the admitted reason why he signed the pledge. His reason for having torn his name from the pledge was, "I did not want my name to remain there any

more." He thought there was no impropriety in this. "You are aware that was the way things were done in those days."

Furnas voted in accordance with the pledge against the Douglas county division bill and so against the sentiment of his section of the territory.

There were printed shares of the site of Douglas City which were promoted by McComas and Nuckolls. He took some of these shares himself, but that was before he was elected a member of the council. To Wakeley's question, "Did you know it was a fact that McComas had distributed shares to all the members who would go for the removal of the capital?" he answered no. He admitted that he heard about the charge that money had been deposited for him in the Moffat bank the following winter. When pressed to explain why he did not go to the bank to look up such an important matter, he answered, "I don't know why I didn't." He testified that he was never in the bank, but Alfred D. Jones and James A. Jackson testified that they saw him there during the session of the legislature. Furnas also denied that he received the certificate of deposit as alleged by other witnesses.

David H. Moffat, who became a very prominent banker and railroad builder, of Denver, Colorado, was at the time of the alleged bribery teller and bookkeeper of the Bank of Nebraska at Omaha and was only eighteen years of age. He testified as follows: "There was a sum of \$3,000 deposited in the bank in which I was teller, to be paid to Robert W. Furnas on the condition that he voted for the retention of the capital at Omaha. I issued a certificate of deposit, payable on the condition above mentioned to the order of Robert W. Furnas, and delivered that certificate to Benjamin P. Rankin. After the adjournment of the legislature that winter, Mr. Rankin and Robert W. Furnas came into the bank with the certificate properly endorsed and satisfied me that its conditions had been complied with, and I paid over the money. I suppose that certificate is among the papers of the Bank of Nebraska, in the possession of B. F. Allen, at Fort Des Moines, in the state

of Iowa. I do not recollect whether Rankin took the package of money away from the counter, or whether Furnas did. They were both together." Q. "Do you know for whose use the package of money was received, or what was to be done with it?" A. "I understood it was for the use and benefit of Robert W. Furnas."

Andrew J. Poppleton testified that B. P. Rankin told him, "during the canvass for delegate to Congress," that he got \$3,000 for Furnas on his vote on the question of capital removal and that Furnas used the money to pay debts and buy a printing press.

Theodore H. Robertson testified that he saw the certificate of deposit in Moffat's bank, that it was payable to Furnas or his order, on condition of the defeat of the capital removal bill and the bill for the division of Douglas county at that session of the legislature. Witness also saw the pledge signed by Furnas with the certificate of deposit. Joshua Hanscom's testimony showed that the certificate was delivered to Rankin but was payable to Furnas, and that he saw the pledge. Experience Estabrook showed that Furnas was in favor of the removal bill until the governor vetoed it. This witness also saw the certificate in the bank in the fall of 1858 and made a copy of it. William B. Hail, member of the first five territorial legislatures, testified that Furnas advocated removal in the caucuses of the legislature which were held for the consideration of that question, "up to near the time of the bill being voted on by the council."

James A. Jackson testified that Rankin represented to him that a fund must be raised to prevent the removal of the capital, and \$3,000 was collected. Furnas asked him if he knew what would have to be done to prevent removal. "About the time the bill was to come up for final action in the council," said this witness, "myself and others were notified to make a deposit of the fund of \$3,000 raised that morning for Furnas, the plaintiff, or it would be too late. I went to the Bank of Omaha [Nebraska], of which one David Moffat was cashier [teller], on the morning designated, and found plaintiff Furnas in

waiting with Dr. Rankin. The \$3,000 raised was that morning placed in the hands of Mr. Moffat in the presence of Furnas, the plaintiff. At the time the money was so deposited, Mr. Furnas, the plaintiff, said to me, 'My constituents will go after me for this,' or, 'make it mighty hot for me,' or something of that kind, and I have seen nothing of the money so deposited or any portion thereof since."

The jury disagreed, but only two stood for the plaintiff, which was, of course, a damaging defeat. Furnas complained that sectional prejudice was so strong, that he, being of the South Platte section, could not have a fair trial in Douglas county, and that, through the influence of the defendants, "the court officer having principally in charge the making up and handling of the jury, there were and are, good grounds for a belief that partiality would be and was exercised for the defense and against the plaintiff." The defendants, on the other hand, alleged in the *Herald* that the jury was composed of six republicans, only four democrats, one "temperance party" and one "mixed."

The principal tactics of the prosecution was to make a scapegoat of Rankin. His reputation so nearly adjusted itself to the other circumstances of the case as to make the theory that Rankin was the real culprit and beneficiary of the bribery fund at least very plausible. Mr. Cowin contended in his argument to the jury that Rankin's testimony showed that Furnas was the victim of conspirators who divided the plunder they procured in his name. When the trial went against him, Furnas pursued the same policy by extra-judicial methods. In January, 1873, in preparation for the trial, he wrote to Rankin requesting him to make a statement of the facts in relation to the charges as he remembered them, as he thought it might lead to a settlement of the suit without trial. Rankin's reply was evasive and of little help to Furnas, so that it became necessary to take his deposition. After the trial, Furnas made a passionate appeal to Rankin to write a statement exonerating him from the guilt which the evidence and the verdict of the trial had fastened upon him, and the response was more favorable, though

still equivocal. James A. Jackson and David H. Moffat wrote letters to Furnas in which they expressed a belief that he had been the innocent victim of a base conspiracy. Furnas was severely criticised for publishing these letters of his friend Rankin, who had admonished him to regard them as confidential.

The testimony of David H. Moffat that he made out the certificate of deposit of the \$3,000 payable to Furnas, which Furnas and Rankin afterward brought to the bank "properly endorsed," and of Theodore H. Robertson that about eighteen months afterward he saw the certificate so described in Moffat's bank, with the strong corroborative evidence, is very difficult to overcome or explain away. but it leaves some room for the theory that Rankin fooled Furnas with promises and actually got all the money himself. But Furnas's own admissions leave him in a plight but little better than if he had confessed to taking the money itself. Though the *Bee* was only less hostile and aggressive in personal attack than the *Herald*, yet its estimate of Furnas's admissions seems fair and correct: "That testimony needs no comment. It proves that things were 'loosely managed in those days.' It exhibits a lack of moral stamina that was properly characterized by one of the able legal councillors [counsel] of the governor as decidedly compromising. . . . The admissions made by the plaintiff are, however, of such a nature that we cannot comprehend what can be gained by dragging this suit to another court or before another jury." But Furnas came to comprehend that nothing could be gained for himself by a retrial, and he dismissed the suit notwithstanding his premature and too heroic declaration that he would "be further vindicated though it cost me my last dime and last breath." The unusual temptations and vicious practices incident to newly formed societies are commonly but unwisely pleaded in palliation of dishonesty in public relations. Moreover, there were public servants in Nebraska from the beginning who walked uprightly.

There were no general elections in the state in 1873 and so no partisan convention, but a convention of the "Grand Castle of the Order

of American Farmers and Mechanics of Nebraska" was held in Lincoln July 29 and 30, 1873. The resolutions adopted declared that while the objects of the order were to exert a general benevolent, beneficent, educational influence, yet a part of its duty was to rid legislatures and the federal Congress of monopolists and corruptionists and procure the passage and enforcement of just laws, etc.: that the beneficiaries of the "back and increased pay" in Congress were knowingly guilty of a gross and brazen fraud upon the nation; that freight and passenger railroad tariffs on trunk lines were unjust and oppressive; that there should be no pooling or combinations of railroads; no subsidy for railroads or other corporations — hotels, printing companies, and flouring mills were as much entitled to such aid as railroads; that the members of the order were friends to the railroads as servants but opposed to them as masters; and that organization of all industrial classes was necessary.

All of the state conventions of 1874 were held in Lincoln. The republican convention was in session September 2d and 3d. Charles H. Gere of Lancaster county, was temporary chairman and Nathan K. Griggs of Gage county, president. Lorenzo Crouse of Washington county, was nominated by acclamation for member of Congress for a second term. Silas Garber of Webster county, was nominated for governor on the first ballot; Patrick O. Hawes of Douglas county, for contingent member of Congress; Bruno Tzschuck of Sarpy county, for secretary of state; J. C. McBride of Colfax county, for treasurer; George H. Roberts of Harlan county, for attorney-general; J. M. McKenzie of Nemaha county, for superintendent of public instruction; Nathan S. Porter of Dixon county, for state prison inspector. Two of the state officers, Governor Furnas and Attorney-General Webster, were denied the customary second term — Furnas, because of the scandals associated with his political career, and Webster, because he had not been as subservient to the ruling political powers as safety demanded, and, in particular, because with imprudent temerity he had begun suit for the state against

Thomas P. Kennard to recover proceeds of the sale of certain lots of the capitol site which, the petition alleged, the defendant had not accounted for.

The platform contained a timid recommendation for return to a metallic basis for money; a milder insinuation of the monopolistic tendency of the national bank system; a positive declaration against a presidential third term, aimed at signs of a movement to again nominate General Grant in 1876; and positive denunciation of political outrages in the southern states and of the so-called Quaker Indian policy which had "failed to afford either benefits to the Indians or protection to the frontier settlers." The declaration in favor of an amendment to the federal constitution providing for the election by direct popular vote of the president, vice president, and all other federal officers, and also of United States senators, superficially regarded, seems an inexplicable freak of radicalism; but it should probably be accounted for on the ground that the republican party then still felt the progressive impulse of youth and had not yet attained the condition of an almost reactionary defender of vested interests, now popularly known as "big business," which characterized it for about a quarter of a century and up to the revival of recent years. There was an apologetic show of protest against excessive railroad rates, earnest of the long innocuous policy of the party which was to follow. The pristine radicalism of the party broke out also in the declaration favoring the establishment and operation by the federal government of a double-track railroad from the Missouri river to the Atlantic seaboard; and in view of the burden imposed upon people and products by the still uncontrolled system of private ownership, it would perhaps be rash to stigmatize this policy of the young republican party as radical. The demand for equable taxation of railroad property was direct, and it was emphasized and particularized by the request for the passage of the bill for taxing non-patented subsidy railroad lands in the state, which had been introduced in Congress by Mr. Crouse.

The convention recognized that there was

by this time a positive and growing popular sentiment in favor of stricter control of the liquor traffic, by advising that the question of incorporating prohibition, local option, and license in the new constitution be submitted separately. A resolution offered by ex-Governor David Butler declaring in favor of a local option law which should empower the people of the several towns, precincts, and municipalities to decide to prohibit or regulate the sale of intoxicating liquors, was defeated by a vote of 47 to 181. Governor Butler led in the debate in favor of the resolution and Edward Rosewater against it.

The "People's Independent Convention" met September 8th, with about one hundred delegates in attendance. J. F. Gardner of Richardson county was temporary chairman and A. Deyo of Cass, temporary secretary. Robert R. Livingston of Cass was president and John D. Calhoun of Franklin, secretary of the permanent organization. J. F. Gardner was nominated for governor; Fred Weibe of Hall county, for secretary of state; Thompson Bissell of Saunders county, for attorney-general; R. H. Walker of Douglas county, for state prison inspector; J. M. McKenzie of Nemaha county, for state superintendent of public instruction; James W. Davis of Douglas county, for member of Congress, and John D. Calhoun for contingent congressman. The platform declared with emphasis that all political power is inherent in the people; in favor of the restoration of gold and silver as the basis of the currency and the resumption of specie payment "at the earliest practicable day without injury to the business interests of the country," and the maintenance of the credit of the country until the resumption of specie payment by "a system of currency based upon the credit of the nation, issued by the government directly to the people"; opposed all combinations and devices that tend to increase the cost of transportation beyond a fair remuneration to the carrier; and demanded the exercise of all constitutional powers to remedy these evils; opposed any further land grants, subsidies to steamships, and all donations of bonds to aid public enterprises; favored a tariff for revenue only; demanded the

election of President and United States senators by a direct vote of the people; favored strictest economy in all public affairs; stated that taxes in the state were high beyond endurance and must be reduced; favored revision of homestead laws and a memorial to Congress for relief of homesteaders in the grasshopper district; declared that interstate commerce should be regulated by Congress and that railroad pools like that of the Burlington and Missouri, Chicago & Northwestern, Chicago, Rock Island & Pacific, and Kansas City, St. Joe & Council Bluffs, be prohibited so that competition might be encouraged.

The democratic state convention was held in the opera house, September 10th. E. A. Allen of Douglas county was temporary chairman and Frank P. Ireland of Otoe, temporary secretary. Mr. Allen was president of the permanent organization; Samuel Cowdrey of Saline county, J. W. Pollock of Cuming, Loren Miller of Douglas, Dr. John Black of Cass, and Israel Loomis of Johnson, vice presidents; Frank P. Ireland and F. G. Beecher of Platte county, secretaries. A committee consisting of J. F. Morton, Stephen H. Calhoun, Benjamin Hankins, Milton Montgomery, and James E. North reported the following platform which was adopted by the convention: 1st. The restoration of gold and silver as the basis of currency; resumption of specie payments as soon as possible without disaster to the business interests of the country by steadily opposing inflation and by the payment of the national indebtedness in the money of the civilized world. 2d. Individual liberty and opposition to sumptuary or prohibition laws, free commerce, and no tariff except for revenue purposes. 3d. Rigid restriction of the governments, both state and national, to the legitimate domain of political power by excluding therefrom all executive and legislative intermeddling with the affairs of society, whereby monopolies are fostered, privileged classes aggrandized, and individual freedom unnecessarily and oppressively restrained. 4th. The right and duty of the state to protect its citizens from extortion and unjust discrimination by chartered monopolies. 5th. That

we appreciate the beneficial influence of railroads in developing the resources of the country, and favor liberal legislation in that direction, but only on a basis of taxation equitable in its application both to citizens and to corporations. 6th. That we believe the people are the source of all power and that their will and not the wishes of mere party demagogues should govern and form the real basis of all republican governments.

The following nominations were made without opposition: For governor, Albert Tuxbury of Otoe county; secretary of state, John A. Eatherly of York county; treasurer, Robert C. Jordan of Hall county; attorney-general, Milton Montgomery of Lancaster county; superintendent of public instruction, Eli Huber of Otoe county; state prison inspector, R. H. Walker of Douglas county; member of Congress, James W. Savage of Douglas county. Only twenty-eight of the fifty-eight counties on the secretary's list were represented.

The republicans foreshadowed the facile opportunism which later came to characterize their party by making theirs the most radical of the three platforms. The money plank of the democrats shows that they had ceased to follow the greenback god of Pendletonism, where J. Sterling Morton had led them a few years before, and it is more orthodox than the republican declaration. The independents contradicted themselves by demanding a return to specie payment, but also that its way be blocked by an intermediate system of uncovered paper currency. They took what was then advanced ground in favor of the regulation of interstate commerce by Congress, a position which the already apparent and to be long continued devotion of the leaders of the two old parties to railroad interests prevented them from assuming; and so their declarations on this subject were perfunctory generalities, lacking point and specification essential to real meaning. The declaration of the republicans in favor of the construction of a railroad by the federal government and popular election of United States senators and federal officers was a temporary lapse or aber-

ration, and misrepresented the dominant influence of the party at that time.

The first prohibition convention to nominate a state ticket was held September 9th. It kept the middle of the road, steadfastly refusing to endorse the nominations of the other parties save one. Notably, also, the convention declared in favor of a currency convertible into gold and silver but upon a gold basis. This is the first declaration distinctly favoring a gold standard ever made by a party convention in Nebraska. Besides demanding prohibition of the sale of intoxicating liquors, the convention called for the lowest rates of railroad transportation. But the influence of the railroad corporations was soon able to check this rising popular reform sentiment, and through the subserviency of the political leaders they were able to hold it in virtual subjection for upwards of thirty years.

Though the political campaign this year was much milder than its predecessors under the state government, yet the republicans were again vigorously assailed on account of the continuing corruption, now centered in the Kennard-Stout ring, successors to the Butler régime. The staunch party habit of that period inevitably induced ring and boss dominance and graft, which in turn commanded the submission of all aspirants to place and power, irrespective of their original inclination to cleanliness or corruption. The report of the Garber penitentiary investigating committee was adduced to show the subserviency of the republican candidate for governor to the dominant ring. This report, it was charged, whitewashed "the most monstrous system of swindling that has occurred in the whole history of the state." That the penchant for personal attack still survived, appeared in the showing that Roberts, republican candidate for attorney-general, while captain in the Nineteenth Pennsylvania cavalry, had been dishonorably discharged in 1864. The republicans, however, published an order issued by direction of the president "to correct the record" and to issue an honorable discharge. It was contended that the first order was obtained through spite.

The republican candidate for governor re-

ceived 21,568 votes; the democratic candidate, 8,946; the people's independent candidate, 4,159; and the prohibition candidate, 1,346. The vote for the rest of the candidates did not vary much from that for the heads of the tickets, except that Roberts, candidate for attorney-general, received only 19,797 votes, while his fusion opponent, General Montgomery, whose career in the Civil war left him with an empty sleeve, received 15,709. The proposal for a constitutional convention carried by a vote of 18,067 to 3,880. The opposition was scattered irrespective of sections — Burt, Cass, Dixon, Dodge, Nemaha, Otoe, Pawnee, Platte, and Sarpy making the largest relative showing. In this campaign the *Omaha Bee* fairly entered on its long course of peculiarly aggressive and relentless personal political journalism which destroyed a large number of political ambitions — in most cases, however, to the public advantage. At this time, Mr. Hitchcock, United States senator, was Mr. Rosewater's principal target and his fire proved fatal. For defense the senator, striving for reelection, bought the *Union*. John Taffe was again editor of the *Republican*, which pursued a conservative course and so considered the *Union* a useless injection into the already overfilled field of Omaha journalism.

Butler, the star of the political stage, having been driven off, Kennard was now the principal target of the anti-graft fire. His faults, though similar to Butler's, were not tempered by the latter's virtue of open-handedness and natural leadership. Kennard's alleged acquisitiveness would have done credit to the public land grafters of the present day. It was recklessly asserted that by virtue of his office of secretary of state and capital commissioner, with a salary of \$600, his profits on the sale of Lincoln lots were half a million dollars. It was charged that Governor Furnas falsely denied that he had appointed Kennard state agent, under the act of the legislature of February 8, 1873, to recover what might be due the state under the provision entitling it to the usual five per centum for lands filed upon with military bounty warrants and on account of the Indian reserva-

tions, and also to have swamp lands given over to the state. It was vehemently insisted that Kennard was not fit for the agency and that he could not consistently undertake it if, in view of his public record, the people were suspicious of him.

The charge that Furnas had secretly appointed Kennard agent arose from the assertions that during the year 1873 he diligently prosecuted the claims of the state in Washington while his contract with the state for that purpose was not executed until October 15, 1874. Mr. Kennard based his contention that under the enabling act the state was entitled to five per cent of the aggregate value of all the Indian reservations in the state, rated at \$1.25 an acre, on similar allowances made under specific acts of Congress to the states of Arkansas and Mississippi. The solicitor of the Indian department approved the claim, the total percentage amounting to about \$58,000, but the comptroller of the treasury refused to concur in the decision. After the passage of the acts authorizing the sale of the Pawnee and the Otoe and Missouri reservations, Kennard again presented his claim, this time asking for five per cent of the actual proceeds of the sale of the lands. On the 14th of January, 1881, the commissioner of the general land office decided to allow the claim as to the Pawnee reservation, five per cent of the sales amounting to \$43,807.42, and \$27,043.99 was actually paid to the state; but then the decision of the land commissioner was questioned, and no more payments were made. The first payment on account of the sale of the Pawnee lands, amounting to \$6,275.47, was made direct to the state, but Governor Nance denied Mr. Kennard's application for half that sum according to the terms of his contract with the state. A bill appropriating the amount of this claim passed both houses of the legislature in 1883, but owing to the neglect of the secretary of the senate it was not presented to the proper officers of that body for signature. In 1895, the legislature passed a resolution permitting Mr. Kennard to sue the state on his contract, and in a suit begun in the district court of Lancaster county, May 29, 1897, he obtained a

judgment for \$13,521.99—half of the amount the state had received on account of the Pawnee sales. But on appeal to the supreme court the judgment was reversed on the ground that the reservation was public land and therefore it was within the provision of the act of 1873 authorizing the appointment of the agent which excepted cash sales of public lands. The supreme court of the United States refused to assume jurisdiction on appeal because no federal question had been pleaded in the state court, but it incidentally held, what Mr. Kennard's attorneys contended for in the state supreme court in a rehearing, that the reservation did not constitute public lands. In support of this contention, they showed, conclusively, it would seem, that the reservation had been segregated from the public lands when it had been conveyed to the tribe in question, and that the United States accounted to the Indians for the proceeds of the sale of the lands. By the final decision, then, of the land department, concurred in by the dictum of the supreme court of the United States, the state was not legally entitled to the money it received, but still holds by a characteristic quip of the law. The state then unjustly remains the beneficiary of one-half of the \$27,043.99, which it is not disputed Mr. Kennard procured for it.

The sixth legislature convened in the fourth regular session, January 7, 1875. There were only fifteen opposition members—democrats and independents—in both houses, and the officers were chosen without party division. Nathan K. Griggs of Gage county was chosen president of the senate and Edward S. Towle speaker of the house—both unanimously. Daniel H. Wheeler of Cass county was elected secretary of the senate, receiving ten votes against three for Thomas Wolfe of Seward county. George L. Brown of Butler county was elected chief clerk of the house, receiving 27 votes against 7 for E. S. Chadwick and 4 for F. M. Dorrington.

The governor's message to the legislature contains an unusual amount of information relative to the affairs of the state. Up to this time the state's growth and development had been obstructed by the same influence which

usually causes and extends industrial depressions; namely, lack of public confidence. At last, it seemed, the conditions for great agricultural prosperity had come to be quite generally recognized. "The crude and erroneous idea formerly prevailing as to the adaptability of our entire state to profitable cultivation, has been exploded by actual experiment. Our population has quite doubled itself within two years past, numbering now, without doubt, at least three hundred thousand souls." Thenceforth success would fatten upon itself.

But the financial condition of the state government was bad. Delinquent taxes amounted to \$599,460.47. "The disbursements designated for the past two years were \$600,000, while the revenues were but \$400,000." The trouble was ascribed largely to exemptions and evasions. The total valuation for taxable purposes was eighty million dollars, while there was "not less than three hundred million dollars worth of property in the state which should be made to yield revenue." But the principal cause of the excessive taxation complained of was extravagant local expenditure and indebtedness. The aggregate local indebtedness, as shown by statements from the several counties, was nearly \$4,500,000. The governor urged that "additional restraining provisions be thrown around the mode and manner of voting aid to the various and numerous enterprises so frequently presented to the people." Exclusive of the two-mill tax for school purposes the state tax levy was four and one-fourth mills, and "a judiciously adjusted system of revenue could be made to reduce this one-half to three-fourths at least."

But notwithstanding the inequitable and generally defective system of taxation, state warrants were at par, and those registered had all been paid. There was no bonded indebtedness; but the permanent investment of the common school fund, comprising general fund warrants, \$184,119.67, "and certificate of state indebtedness for a former investment under authority of law, \$158,837.67, amounted to \$342,957.34, drawing ten per cent annual interest." The auditor's report, December 15, 1874, showed that there were building fund warrants outstanding in the amount of \$43,-

\$12.19, which, with accrued interest, \$17,524.84, amounted to \$61,337.03. The resources with which to meet these warrants were 314 Lincoln lots and 8,000 acres of saline lands. The governor stated that "these warrants were originally issued without authority of law, for expenditures in excess of appropriations for the erection of the capitol, insane, and university buildings," and that they were subsequently ratified by an act of the legislature and ordered paid from the building fund. The only resources of this fund remaining were Lincoln city lots, "their entire value not being sufficient to meet the interest alone." A bill (H. R. 206) providing for the payment of these warrants, was introduced at this session, and a committee to investigate the proposition reported that they were issued in payment of expenditures on the construction of the State University and that they were a valid claim against the state. The committee recommended, "that said warrants be paid out of the state general fund, and the state be reimbursed from the proceeds of the university lands which should be sold for that purpose." But the bill was defeated after the third reading by a vote of 14 to 21.

The message showed that improved industrial conditions were reflected in the growth of the public schools. According to the report of the superintendent of public instruction for 1873 and 1874 there were 1,345 school houses in the state valued at \$1,300,000, while at the close of the fiscal year 1872 there were only 538 school houses valued at \$700,000. The number of school children at the close of 1872 was 51,123; at the close of 1874, 72,991. The apportionment of school money for 1871 and 1872 was about \$370,000; that for 1873 and 1874 showed an increase of nearly \$100,000. The school lands were sold by county authorities and though the notes given in consideration were payable to the state, they were held by the counties, which undertook the collection of the annual interest. The evidences of indebtedness for the sale of these lands amounted to \$1,119,621.44, which, the message complained, "should yield, if promptly collected and accounted for, \$111,962.14 annually; whereas it has returned, under the

present management, but \$69,309.48, showing a loss to the state in one year of \$42,652.66.

The governor pointed out that the law permitting school districts to issue bonds almost without restraint had worked disaster. "Some districts have recklessly involved themselves beyond ability to pay. . . . The extravagant disposition to issue bonds has also reduced their value in the market to such an extent as to render them almost unsalable at any price."

The new building for the normal school, "as far as completed, and occupied but little over a year," had cost \$28,500, and 210 students were enrolled. The demand of the state for indemnity school lands in lieu of sections 16 and 36 within the Sac and Fox Indian reservation had been disallowed by the secretary of the interior; but further prosecution was urged, "the claim being a just and equitable one." The policy of leasing the labor of convicts "at mere nominal and speculative rates" — that of the state penitentiary for "the meagre sum of 42 cents a day" — was severely condemned.

The message gave a detailed statement of the disposition of the public lands received by the state from the public domain. Of the seventy-two sections of saline lands so donated, twenty had been given to the normal school at Peru, two for the model farm of the agricultural college, one-fourth of a section for the hospital for the insane, 17,511.38 acres had been sold, 12,744.10 acres were still on hand, and four and one-sixteenth sections had not yet been selected. The internal improvement lands had all been given to railroads. The twenty sections of public building lands had been appropriated toward the construction of the state penitentiary and all but 1,676.56 acres of the fifty sections of penitentiary lands had been sold for the same purpose. The governor stated that when he assumed his office (January, 1873) none of the university and agricultural college lands had been selected; and he had caused them to be selected and confirmed. The expense of doing this having been paid out of the university fund, the governor recommended that the state should pay it back.

The city of Lincoln originally comprised

287 blocks, containing 3,447 lots. Eight blocks had been donated for public squares and as many for railroad depots; 155 lots had been given in exchange for the townsite of Lancaster which was included in the new city; twelve lots were given to the State Historical Society; forty to various church organizations and benevolent societies; twelve to the Lincoln Steam Mill Company; 2,913 had been sold for the aggregate price of \$293,358.75. The 314 lots which had not been sold or otherwise appropriated were "principally in the Salt Creek bottom and of no considerable value at present."

The disguised but really defensive tone of the discussion of railroad taxation and restrictive legislation in the message shows that this now dominant issue or problem had then begun to excite serious public consideration and serves as an illustration of the attitude of the place-holders and leading politicians of the state for the next thirty years. It required a far more rugged personality — both mental and moral — than that of Furnas to resist a lasting impression by this one-sided view, and especially since it was framed in the alluring halo of the free pass of which he, in common with his compeers, was the lifelong beneficiary. While some lapses from the standard of public virtue with which readers have already been made acquainted destroyed the governor's availability for the usual second nomination and for important elective office thereafter, yet his innate practical interest in public affairs and, more particularly, his devotion to matters affecting the agricultural development of the state — virtually its only resource — almost raised him out of his otherwise native commonplaceness and kept him in the public eye and also in public office, as president or secretary of the state agricultural society, to the end of a lengthy life. The fact that Governor Furnas nearly always held political, military, or other public office and in the brief intervals was a candidate for office, was owing to a mixture of weakness with strong qualities in his character. Governor Furnas states in his message significantly that he is "convinced as to the great impropriety of vesting this high power [of pardon] in any

one individual." The severe castigation he had recently received on account of his pardon of Weber doubtless had something to do with this conviction. Public disapproval of the abuse of the pardoning power by Governor John H. Mickey during his second term of office revived a demand for a distinct "pardoning board or council" which Governor Furnas recommended.

It is learned from the message that "during the month of May, 1873, severe storms so damaged the capitol and insane hospital buildings as to render their occupancy impossible, and, in fact, their permanency seriously jeopardized." The governor, who was then the legal custodian of public buildings, expended \$5,897 in repairing the capitol and \$1,307.28 in repairing the hospital. "While the senate and representative halls were in a dilapidated condition, and undergoing repairs," the message recites, "it was thought advisable to take out the gallery over the speaker's stand and to put up railings in both halls to separate bystanders from members' seats."

Since the last session of the legislature papers had been issued for the organization of eight new counties — Furnas, Hitchcock, Holt, Keith, Phelps, Red Willow, Sherman, and Valley. Organization had been perfected in all of these counties except Holt, in whose case it appeared that the pretended application of forty-three persons claiming residence in the county, on which documents were issued April 4, 1873, and returns formally made to the secretary of state of an election said to have been held in conformity with the law, was fictitious; in short, "the whole proceedings on the part of the individuals seeking organization was a fraud." The message discussed at length the grasshopper devastation and means of aiding the sufferers. On the whole it is an unusually interesting and useful document and reflects the governor's intimate acquaintance with the affairs of the commonwealth, acquired through active citizenship during nearly all of its life. But the excellence is marred by slovenly and incorrect verbal construction.

Two special features or episodes — choosing a United States senator and attempted re-

moval of the capital — attracted more public attention than any other incident or measure of the session. Senator Tipton, at least one of the brightest debaters among the members of Congress yet credited to Nebraska, had by common consent forfeited the succession by his independent progressiveness which at that period of party fetichism was an unpardonable sin. Mr. Tipton lacked the plasticity and flexibility which were essential to adapt himself to the rigid mold in which the republican party of that day was confined. Allegiance to the party during his second term required him to be an apologist of the corruption which was called Grantism and to sustain the coercive policy or method of reconstructing the rebel states which was soon afterwards abandoned by the Hayes administration as impracticable and inexpedient. Mr. Tipton, like his after associates in the anti-machine revolt, Schurz and Sumner, was temperamentally a remonstrant. Though, as we have seen, many of the ablest republicans of Nebraska joined him in the support of Greeley against the regular republican candidate for the presidency in 1872, yet according to party usage this rebellious act barred him from reelection.

Though wiser statesmanship would have foreseen and avoided the probable effect of his insurgent protest against evil practices and policies, yet he deserves credit for unusual courage and perhaps disinterestedness. He anticipated by thirty years inevitable general revolt against conditions and tendencies which under Roosevelt revolutionized the republican party, if it has not ended the two-party system. Senator Van Wyck subsequently took a like advanced position. Samples of Tipton's parliamentary oratory which he himself selected for his political memoirs, are characterized by piquancy and aggressive alertness rather than depth. While his sallies won attention in a body which contained many able men and gained him notoriety, at least, in the country at large, yet his penchant for sarcasm and wit, not always of a high order, detracted from such strength as his speeches otherwise possessed. This is indeed the usual effect of such a course in important deliberative bodies. Yet, on the whole, Tipton must be ranked dis-

tinctly above the average senator from Nebraska. If Tipton's son-in-law, Henry M. Atkinson, could have shared with him his own excess of political astuteness, the senator would have been a more successful politician and perhaps a more useful statesman; he would have won another election and the country the benefit of his salutary insurgency.

The senatorial situation was a counterpart of that of 1871, inasmuch as the republican members were in a large majority in the joint assembly of the two houses but could not unite a majority for either of the candidates; so that the opposition members — democrats and independents — dictated the choice. In 1871 Phineas W. Hitchcock, Alvin Saunders, and John M. Thayer were the three principal candidates. Thayer's chief, though strong claim, lay in his title to regularity; he knew no impulse and recognized no obligation outside the bounds of party conformity, and his first term was fractional — only four years. But these considerations were not sacred to democrats, and they threw the balance of the ballots to Hitchcock. In 1875, Thayer, Elmer S. Dundy, Algernon S. Paddock, and Oliver P. Mason were the principal candidates. But there was more independence in the political atmosphere than there had been in 1871, and the democratic members, unappreciative of Thayer's chief claims — poetical justice and regularity — irreverently chose Paddock, the low man among republican candidates.

On the first joint ballot, cast January 20th, Thayer received 18 votes, Dundy 14, Paddock 8, Mason 6. Of the fourteen opposition votes — Alexander Bear was absent on sick leave — five went to candidates of their own kind — two to Henry C. Lett, and one each to Church Howe, J. Sterling Morton, and J. N. H. Patrick. The remaining eight were divided equally between Mason and Paddock. Dundy and Thayer were the regular candidates and so ineligible to democratic accretion. The second ballot stood, Thayer 17, Dundy 14, Paddock 8, Mason 6. Barnes, one of Dundy's supporters, voted this time for Turner M. Marquett. The third ballot stood, Dundy 15, Thayer 14, Paddock 9, Mason 6.

The fourth ballot was cast the next day,

Thayer receiving 21 votes, Dundy 19, Paddock 6, Mason 3. On the 22d the fifth and decisive ballot was cast as follows: Paddock 38, Thayer 11. Baker voted for Morton and Crawford for Patrick, and Bear was still absent; all the rest of the democrats and independents went to Paddock, who unexpectedly was the beneficiary of Dundy's withdrawal. Most of the democrats and independents from the first gave their support to Mason and Paddock, presumably because both of the latter had shown decided symptoms of democracy. They were progressive enough to recognize the need of reforms and independent enough to stand for the interests of their own section of the country against the increasing encroachments of their party which was dominated by eastern power and animated by eastern interests.

Though Paddock's election, which involved the defeat of Thayer, who never broke with the Lincoln or any other ring, meant cleaner state politics, yet the statement that Thayer "was killed by an overdose of Stout and Kenard administered by Drs. Balcombe and Rosewater," and that the defeat was in effect "a complete slaughter of the Stout and Kenard brand," was extravagant; for the corrupt and corrupting Stout influence lasted many years more. The just complaint that the dominant senatorial aspirants were barnacles and the hopes for a new deal were rewarded in the new choice — or rather in the defeats it involved. Dundy and Thayer were done for, and the defeat of the Hitchcock-Cunningham combination, coupled with the demand made at the time by the *Republican* and the *Bee* for an investigation of the charges that bribery had been used in Hitchcock's election, foreshadowed his defeat in the next contest. While the election of Paddock was scarcely a democratic victory it was a republican defeat; but the democrats ascribed too much importance to it. The ephemerally named mouth-piece of the party at the capital professed to regard this mere temporary check as a permanent disability. "Victory has perched on the democratic banner in Nebraska in the election of Governor A. S. Paddock as senator. The backbone of the republican party has been

broken, the rotten rings of corruption have received their death blow. . . . The fight was a hard one but right has triumphed." As a consequence, Nebraska was soon to be numbered among democratic states.

The influence or training of the Civil war had given the republican party a military aggressiveness and discipline and an audacious opportunism, and had so strongly fortified it, withal, by popular passion and prejudice and the reactionary condition of bounding industrial prosperity that, however glaring its faults, it was not seriously vulnerable. It seemed to possess the unnatural quality of Milton's angel (Satan) which

"Vital in every part
Cannot but by annihilating die."

Even though overwhelmed by popular condemnation at the national election of the following year, it yet held the field and the spoils of partisan victory. In Nebraska this condition was emphasized. The state had but one resource—agriculture. Its growth was absolutely dependent upon, could only follow the extension of railroads. It followed, therefore, that the politicians of the dominant party and the railroads pooled their interests. This close partnership had an economic basis and, however pernicious on the one hand, was for a time not without material advantage to the state. At any rate, the dependent people were either too worldly-wise or too morally timid to entertain any moral scruples against this arrangement which might have knocked at the closed doors of their consciences. This natural, if not defensible, acquiescence developed into a persistent habit which brought on injustice, oppression, and great public corruption. Not until 1908 was there a convulsive and noisy reaction against these long encouraged evils which wise management on the part of the people might have largely avoided. So the hopes of the democrats were destined to be dashed. Their own leaders, moreover, led in a like direction.

Mr. Paddock continued his long-time liberal inclination in the senate—manifested in his opposition to the coercive republican policy in

the reconstruction of the rebellious states, and to the radical protectionist policy. But his attempt to serve two masters, though with some vigor in behalf of his democratic allies or makers, was necessarily unsatisfactory to the latter, who criticised him with overdue severity. The personally ambitious democratic leaders were averse to helping republicans into place and power because they had symptoms of democracy—a policy which the minority rank and file were inclined to, partly because it gave them pleasure to displace a whole-hearted with a half-hearted republican and partially from the public-spirited motive of advancing in some degree western interests and progressive principles. The *Herald*, accordingly, discouraged democratic support of Paddock, alleging that "he turns too many corners in politics"; that he ought to have stayed with Johnson but instead "now reposes in the bosom of Grant"; and though when the election had taken place that journal assumed credit for it as "a triumph of the democrats and conservatives" which had been won by their votes, yet after a few months of trial it disowned and denounced him for recreancy. "Elected by democratic votes as a conservative and declaring himself 'in accord with the democratic party on the main issues of the day and time,' he secured their votes, without which he knows, and we know, his election would have been impossible." His last words to Dr. Miller (editor of the *Herald*) before he left for Washington were, "I am a republican; you understand that: but no caucus will control my action. You know my views."

Notwithstanding his obligations and promises Senator Paddock became a caucus republican. But many stronger politicians and statesmen than Paddock have thus sacrificed obligation and profession on the altar of our tyrannous two-party system. Under the freedom of the modern logical group system there would have been an effective alliance of all those who stood for the imminent and vital questions of western and southern interests. As it was, the member of Congress who could not get under one or the other of the blanket mortgages which covered respectively the republican and the democratic party was a

pariah. Paddock, therefore, naturally elected slavery to his old party and therefore cut himself off from effective service of his section and the constituents which had created him their representative.

Immediately after the senatorial election Thayer was appointed governor of Wyoming, chiefly for the purpose of removing him as far away as possible from further interference with the senatorial succession; but in part, also, in recognition of his fixed aversion to doing anything else but hold public office. Henry M. Atkinson was propitiated with the important office of commissioner of pensions. Judge Dundy continued until his death to covet the senatorship. The routine and drudgery of his judicial place became irksome to his temperament; but, though desiring an active political career, he was too shrewd to risk the comfortable life tenure of the judgeship by a resignation in advance. In this campaign democratic leaders resumed their attack upon his character, and Atkinson shared with Dundy this marked but not pleasurable distinction.

This second defeat of Thayer ended his importance as a political figure. He was taken up for the governorship ten years later when his over-ripeness, physical and mental, which increased his normal habit of conformity, made him useful to the dominating political influences. While Tipton, his colleague in the senate, was so independent that he was all but erratic and could not be confined to the party rut, it was Thayer's natural habitat, and he never got out of it. He was mentally rather dull and his abilities in general were not of a high order, and though an imposing physical appearance of the military style and some supplemental martial gifts made him successful as a subordinate military commander, he lacked the alertness, breadth of view, plasticity, and independence essential to statesmanship. Very luckily for himself he lived just at that time when military deportment and ambition passed for the most and, joined with the soldier's disposition not to reason why as a part of the rigid political machine, was an open sesame, also, to high civil office. Still, his military stiffness in time made him

unpopular with politicians who called him "peacocky." Popular sympathy for General Thayer on account of his rather forlorn old age, shrewdly manipulated by the selfish "system," resurrected him for the governorship in 1885. After serving the customary two terms in that office, he was awarded a pension of \$100 a month which kept him comfortable in his extreme old age. This closing incident of his career illustrates his utter dependence upon the bounty of public place. While no one opposed or begrudged this gratuity, and it was bestowed under President Cleveland's administration, characteristically hostile to special pensions of this sort, yet it was a favor due largely to political conditions. The career of General Amasa Cobb, for example, was in the main a counterpart of General Thayer's, except that at the close of the war and his long service in Congress he went to work in private business and continued at it to the end of his long life, saving only his term as justice of the supreme court. Thus, through wholesome activity, he achieved and deserved independence and competence—the chief comfort if not the main merit of a life.

There was a culmination of the long gathering capital removal sentiment in this legislature, and a clear majority of its members came to Lincoln with the intention and expectation of carrying out that project. Even the southeastern counties were fiercely and explicitly hostile to Lincoln. Otoe county, which had led in the struggle for removing the capital to Lincoln, now led in the attempt to get it away again. This hostility was due in part, no doubt, to displeasure or disgust with the Lincoln political junta, but chiefly to the ripened realization of the original economic mistake of erecting a barrier to the growth of Nebraska City which it was now apparent Lincoln was destined to be.

Before the session began it was asserted that it was very well settled that the present legislature would remove it to some point in the western part of the state. Removal would cause no loss in public buildings because "the university will fall down next year anyhow; the capital should be donated to Lincoln—the lower part for a livery stable, the upper as a

block-house—the upper windows would be good port-holes. The penitentiary, after Boss Stout takes out the windows, will make a first class ruin.” The new lunatic asylum, it was conceded, was a good building. The *Tecumseh Chieftain* favored removal for the ostensible reason that a location nearer the center of the state was desirable and that the building would have to be remodeled. The *Nemaha Journal* and the *Kearney Times* asserted that when the last ballot for the election of a United States senator was taken, Mr. Griggs, president of the senate, requested occupants of the chamber, the hall of the house of representatives, to refrain from stamping for fear the building would collapse.

The history of 1873, when the Kearney ring and the Columbus ring killed each other, was repeated in 1875. The divided rival aspirants blocked one another while the alert Lincoln partisans, Napoleon like, whipped them in detail—with argument and other influences less legitimate but perhaps more effective. The removalist cause was roughly, though not unjustly, summed up thus: “For no good to the state is the removal advocated. The reasons for removal are that a lot of land-sharks, dead-beats and carpet-baggers, having the example of the former Lincoln before their eyes, want a new deal.”

Though some members required and received direct payment in lawful money as the consideration of waiving their patriotic and dutiful intention to remove the capital to a more nearly central site, many were satisfied with reciprocal sops in the shape of enactments favorably affecting their pockets but in a less direct way. Moudy was at least partially appeased by the grant of a state road from Kearney Junction on the Union Pacific railroad southward to the Kansas line, to be laid out without expense to his own county of Kearney which it would centrally intersect. A gift of the unappropriated saline lands—about twelve thousand acres—to the Midland Pacific railway company, “for the purpose of building and extending its lines of railway from Nebraska City to Omaha, and from Brownsville to a connection at St. Joseph, Missouri, with other railroads so as

to form a continuous line of railway from Omaha to the south line of the state and thence to St. Joseph,” contributed powerfully toward smothering the cry for removal, loudest in the populous eastern border counties which were the expectant beneficiaries of the grant. An appropriation of \$10,000 for establishing an asylum for the blind at Nebraska City tended directly to soften the harsh aggressiveness of members from that particularly disappointed quarter. The partisans of Lincoln naturally held a good hand of palliative cards, and they were played off with skilful finesse so as to take the most advantage of the internal rivalry of the disunited removalist forces. This was the last direct attempt at removal until 1911. The law providing for a constitutional convention and the provisions for relief for sufferers from the depredations of grasshoppers were most important enactments of the session. The convention was to be composed of sixty-nine members and to be held at the capitol on the second Tuesday—the 11th—of May, 1875. The western counties fared better in the apportionment for the convention than in the membership of the legislature. The legislature authorized the issue of state bonds to the amount of \$50,000, to run ten years and bear ten per cent interest payable semi-annually, for the purpose of buying “seed grain for distribution among the citizens of this state made destitute by the ravages of grasshoppers in the year 1874.” The act authorized a tax of one-tenth of a mill on the grand assessment roll annually for the payment of the principal and interest of the bonds.

The homestead exemption was amended so as to restrict it to the value of \$2,000. This provision has continued to the present time. The property rights of women were enlarged by adding to the continual separate holding of all that they owned at the time of marriage or might afterwards acquire by descent or gift, all “which she shall acquire by purchase or otherwise.” But the school suffrage of women was restricted by an amendment which confined it to unmarried women who had reached the age of twenty-one years and owned property subject to taxation; whereas,

before the change, "every inhabitant" of a district — which included all women of the age of twenty-one — could vote at the district meetings.

By an amendment to the act of 1869 which provided for organizing the university, the chancellor was left off the board of regents which thereafter was composed of three members from each of the three judicial districts with the governor and state superintendent of public instruction as *ex officio* members. The office of treasurer was abolished and the state treasurer was constituted the custodian of the university funds. This act comprised a Draconian provision that the regents might, "by discharging professors and otherwise reducing the expenses of the university, apply the amount so saved or reduced from the expenses of 1874, in building a dormitory." An act granting block 29 of Lincoln to that city for "market purposes" some time afterward aroused severe though unjust criticism. The block was originally devoted to the use of a state historical society but because no society competent to receive the grant had been organized, it would have been included in the remainder of unsold lots which another act of this legislature authorized the governor, auditor, and secretary of state to appraise and sell at public auction, the proceeds of the sale to be turned into the public treasury, which, owing to the pinching poverty of that grasshopper period, particularly needed replenishment. The city had given up its original "market square" to the public use as a site for the postoffice, and since the commissioners named in the bill to sell all unappropriated lots were determined to include, this historical block, the members from Lancaster county properly thought that it would be wise and just to retain this block for public use as a market place in lieu of the block they had relinquished for another public purpose. This action was additionally justified by the consideration that at forced sale in that period of depression the block would yield very little to the public treasury. The supreme court of the state decided that the intended grant to a historical society had lapsed by nonuser and that the state might dispose of the property at its will.

A joint resolution prayed for the passage of a bill which had been introduced by Senator Hitchcock, authorizing the sale of the Fort Kearney military reservation, the proceeds to be used for the erection of an asylum for the blind; but the act of Congress of July 24, 1876, provided for the offer of "said land to actual settlers only at a minimum price, under and in accordance with the provisions of the homestead laws."

Another memorial to Congress was the John the Baptist of the present general demand for the election of United States senators directly by the people. "Your memorialists, the legislature of Nebraska, would respectfully represent that they express the will of the people of this state in asking for an amendment to the constitution of the United States which shall provide for the election of United States senators by the whole people, and not by delegated authority." During the last decade the federal house of representatives many times expressed by formal resolution the demand of the people of the whole country for an amendment of the constitution providing for the reform, but the senate itself persistently ignored this positive popular demand until the special session of Congress in the year 1911. This remarkable lack of political efficiency is owing largely to a lethargic constitutional habit. Our political confinement for more than a century within a rigid constitution which it is very difficult, indeed virtually impracticable, to amend, is in turn responsible for this unfortunate condition which has inculcated a pernicious popular habit of relying upon a forced construction of the constitution by our politically as well as judicially habited supreme court for the little progression in polity we have been able to achieve. The people of the several states are now quite generally recognizing and avoiding this denial of direct, concerted action, though without authority of the constitution and in violation of its spirit, by dictating to the state legislature their choice for senators.

The only important effect of a joint resolution which informed the president and the Congress that the legislature heartily endorsed the president and General Sheridan for assuming responsibility for the action of General

De Trobriand in driving out of the capitol certain democrats who claimed seats in the Louisiana legislature, but had been denied certificates by the returning board, was to disclose the identity of the fifteen anti-republican members whom it drew together in opposition to the resolution. The passage by both houses of the bill which placed railroad property in a class by itself and specified a maximum rate of taxation for it, indicates the nearly complete control of the state government by railroad corporations which had now been established and which continued almost uncontested until the republican revolt of 1907. An amendment by the house of the senate revenue bill providing "that no railroad shall be assessed at a greater amount than \$10,000 per mile," was referred to a conference committee which comprised Barton, Hoyt, and Chapman of the senate, and Thurston, Crawford, and Howe of the house. The committee recommended "that the senate concur in said amendment," Chapman alone dissenting. But, remarkably and inexplicably, Governor Garber proved to be a missing link of the otherwise complete chain of procedure. He vetoed the bill, not only on account of some technical irregularity but because in his opinion it was class legislation "and repugnant alike to the letter and spirit of our laws. . . . Laying aside the legal and technical objections that may be urged against this measure, it does not appear to me to be expedient. It would reduce the grand assessment roll of the state a million and a half to three million dollars. It would relieve the railroad companies of at least \$75,000 in taxes and place the burden upon the people." The governor very pertinently reminded the subservient legislative body that the people had been persuaded to vote large subsidies to the railroads largely by the argument or promise that they would be repaid by the resulting great increase of taxable property.

The relentless determination or policy of the white masters of the commonwealth to dispossess the Indians even of the small remnant of their original domain which they held as reservations was manifested in two memorials to the federal Congress. The first urged the

passage of the bill, already introduced, providing for the sale of the Otoe and the Pawnee reservations. The second memorial was a very insistent — almost truculent — protest against the action of the federal government in assuming the authority in the treaty of 1868 to grant the Sioux the privilege of hunting in that part of the state lying north of the North Platte river and recognizing it as unceded territory. The same memorial protested also against the removal of the Red Cloud and Spotted Tail agencies from Dakota to a location within the northwestern borders of Nebraska.

Investigation of official malfeasance still continued to be an important duty or diversion of the legislature. Because it was "reported that divers sundry abuses are practiced in the penitentiary" and "barbarous and unknown punishments inflicted upon convicts confined in said penitentiary and that the management of the same is inefficient," and also because "a serious revolt has recently occurred in said prison," a committee of the house, consisting of Enyart, Folda, Baumer, Fisher, and Lucas, made an extended investigation of the affairs of the prison. The majority report of the investigating committee found that cruel and unusual punishment had been inflicted upon prisoners and barbarous and inhuman practices had been resorted to in the management. The report recommended "a thorough and complete reformation in the treatment of the convicts"; that the stocks and the bull-ring should be abolished; that "the prisoners should not be confined on seats in one position during the Sabbath day"; and that Noboes, deputy warden, and three of the guards "be discharged for cruel, inhuman, and barbarous conduct." Folda and Lucas made separate reports, the former recommending the removal of the warden, Woodhurst, who had held the office since December 6, 1873. Lucas minimized the abuses which the other members of the committee acknowledged and condemned. Senator Perky testified that the attempt of the senate committee to investigate the prison was stifled and that Senator Burr — of Lancaster county — was an obstructionist.

A joint committee of the two houses for investigating the charge that the plans and specifications had been changed after their adoption and that they were not filed with the proper state officer applied a rather dull coat of whitewash. The committee found that the

plans were changed in 1873 but to the public advantage. The reputation of the alleged offender, W. H. B. Stout, suggests a presumption of the truth of the charges which the diluted whitewash of the committee scarcely overshadows.

CHAPTER XXVII

CONSTITUTIONAL CONVENTION 1875 — CONSTITUTIONS COMPARED — ELECTIONS OF 1875 —
RISE OF VAN WYCK — POLITICS OF 1876

THE sixty-nine members of the constitutional convention were elected Tuesday, April 6, 1875. While party distinctions were not strictly observed in their selection, the statement that "in every district of the state party has been ignored in selecting candidates for delegates to the convention" was not sustained by results. It was not difficult for the two leading counties — Douglas and Otoe — to agree upon an equal division of their representation, since they were politically doubtful at elections. The *Omaha Herald* approved the *Bee's* proposal that seven members from Douglas county should comprise three democrats, three republicans, and Judge Lake, who at that time could not be accurately classified. The conventions of the several parties accepted the plan, but the democratic convention recommended Clinton Briggs instead of Judge Lake for the odd member, and the republicans adopted the recommendation. Two republicans and two democrats were chosen for Otoe county, and a like division was made of the two members for Dodge. Richardson county conceded one member — Franklin Martin — of her four to the democrats, and Cass did likewise in the person of her distinctively democratic war horse, Jacob Vallery, Sr. On the other hand, the safely democratic counties of Cuming, Platte, and Sarpy chose members of their political complexion.

The election of Beach I. Hinman, democrat, of Lincoln county, was a concession to fitness, while that of a democratic member for Dixon, and also for Seward, was probably due to the chance of politics in those uncertain counties. York chose an independent because it was then so inclined. All the rest of the members

were chosen by and of republicans because they had full power so to choose. The convention comprised fifty republicans, sixteen democrats, and three independents. Of the rather small number of democrats, Brown, Boyd, Calhoun, Hinman, Martin, Munger, and Stevenson were well equipped for effective and corrective work. Abbott, Boyd, Grenell, Hinman, Kirkpatrick, Manderson, and Maxwell assisted in a very important degree in doing the preparatory work of this convention by virtue of their service in the convention of 1871. The *Omaha Bee* advocated the election of the delegates by the legislature on the ground that stronger men would be chosen by this method than by popular election; but the *Herald* properly opposed that plan. The people no doubt chose a convention more nearly representative of their spirit and wishes than the legislature would have chosen, and that was more important than the mere question of ability. No representative newspaper would now suggest delegating a function of that nature to a legislature, because in the interim there has been a great increase of self-confidence among the people and a great decrease of popular confidence in legislative bodies.

The convention met on the 11th of May in the hall of the house of representatives at Lincoln and was called to order at three o'clock in the afternoon by Bruno Tszchuck, secretary of state. Alexander H. Conner of Buffalo county was temporary president and Guy A. Brown of Lancaster, temporary secretary. The committee on credentials was composed of twelve members, one from each senatorial district. John L. Webster of Douglas county was chosen for permanent president; Guy A. Brown of Lancaster, secretary; Cassius L.

Mather of Webster, assistant secretary; Phelps Paine of Seward, sergeant-at-arms; J. W. McCabe, doorkeeper and postmaster; and Edward Bragg, Richard Miller, and R. C. Talbot, pages. Abbott, Connor, Gere, Sterns, and Robertson were the committee on rules. A committee of twelve members — one from each senatorial district — was appointed to report the best practical mode of procedure. On the second day a committee of five on rules reported in favor of adopting the rules of the convention of 1871 with slight alterations. A committee was appointed to hear evidence in the case of the contest for membership from Franklin, Gosper, and Phelps counties. Pastors of the city were invited to act as chaplain in regular turn without compensation.

Though a sensible public sentiment and the election as delegates of a goodly number of democrats of ability prevented domineering partisanship, yet a republican faction organized the convention. Charles F. Manderson had a long distance eye on the seat in the United States Senate occupied by Mr. Hitchcock, and with the alert purpose of precluding prominence of his local rival the senator put forward John L. Webster to contest against Manderson for the presidency of the convention. While Webster easily won on the general vote, it was ominous for Hitchcock that his representative did not get a single vote from Douglas county where all three of these ambitious men resided. Reaction of Manderson's defeat probably promoted somewhat his subsequent elevation to two terms of the senatorship, while his victorious indirect opponent was put off with but one.

The convention considered three plans of procedure. The first was to take the old constitution as a model and through the aid of a small number of the committee make such alterations and additions as seemed desirable; the second was to work upon the rejected constitution of 1871 in the same way; the third to proceed *de novo* without any specific model. By the first two methods most of the work would have been done in committee of the whole. The last plan was adopted, chiefly because the larger number of committees it involved humored the natural ambition of the

members to take a conspicuous part in the procedure. The report of the committee of twelve on procedure was therefore rejected and that of the committee of five on rules proposing thirty-two committees, which should proceed to construct a new constitution, was adopted. The reasonable brevity of both the convention and the constitution indicate that the difference between the two plans of procedure was not of great importance.

The work of the convention was concluded on the 12th of June and the constitution was adopted by the great preponderance of 30,202 votes against 5,474 on the second Tuesday — the 12th — of October, which was also the day of the general election under the old constitution. The new constitution provided that executive officers should be chosen at the general election of the following year — 1876. Those who were elected in 1874 — governor, secretary of state, auditor, and treasurer — filled out their regular terms, and their successors were chosen at the same time as the new officers — lieutenant-governor, superintendent of public instruction, attorney-general, and commissioner of public lands and buildings. By provision of the constitution the six regents of the university, judges of the supreme, district, and county courts, and elective county and precinct officers were chosen at the first general election — October 12th. A district attorney for each of the three new judicial districts was also elected at this time, but the tenure lasted only until the expiration of the regular term of the three who had been elected under the old constitution in 1874. The nine regents of the university, elected by the legislature under the old constitution, were legislated out of office by the new, but four of them, William Adair, Charles A. Holmes, E. M. Hungerford, and Samuel J. Tuttle, were elected on the republican ticket at the first ensuing election. Republican legislatures had chosen two democrats — Alexander Bear and James W. Savage — as members of the preceding board; but under the popular election system there was no such wholesome principle, and every board was solidly partisan until the republicans lost control of the state in 1894.

The new constitution was about two and

one-half times as long as that which it succeeded; but it varied but little in substance or length, from the rejected constitution of 1871. Judged by the original conception of American constitutions — that they should be merely the fundamental basis of the government and of such statutory law as might be required in the course of time — the constitution of 1866 was long enough. But the popular distrust of representative bodies which has been increasing since that time, as evidenced by the increasing length of later state constitutions, by the general adoption of direct primary elections, and the growing use of the initiative and referendum, was responsible for the incorporation in the new constitution of many provisions which otherwise would have been left to legislative enactment. The latest state constitution — that of Oklahoma — illustrates the constantly growing tendency. It is as much longer than the Nebraska constitution of 1875 as the latter is longer than its predecessor of 1866.

There is no reason for thinking that any mandate or advice of the constitution touching the regulation of railroad business has had any appreciable effect upon the legislature which has responded only to the inmandate of public sentiment. The legislature ought to have passed an apportionment bill at the session which just preceded the convention, thus saving that body from a distinctively partisan task and the constitution from its incongruous and unnecessary bulk. The legislation in the constitution is mainly comprised in those two measures. The excess in its length over the constitution of 1866, outside those two subjects, is in the much greater detail of the provisions for the executive, the judiciary, education, and the schedule. This minute attention to detail is, however, due to the same motive and spirit which are manifested in the legislative features. The only other important new principle incorporated into the new constitution was that forbidding special legislation in a long list of specified cases and "in all other cases where a general law can be made applicable." The section containing this prohibition, with the exception of the provision relating to the bonding of municipalities, which is added, was

copied from the constitution of 1871. The constitution of 1866 merely prohibited the passage of special acts conferring corporate powers and provided that "corporations may be formed under general laws."

After all the lands available for such a purpose had been bestowed upon railroad companies, the new constitution provided that "lands under control of the state shall never be donated to railroad companies, private corporations, or individuals." While this was chiefly a response to a subjective reaction, perhaps there was expectation that the swamp lands scheme would be productive.

The important incidental changes consisted in the enlargement of the legislative, executive, and judicial departments and an increase in compensation of members and officers. The offices of lieutenant-governor, state superintendent of public instruction, attorney-general, and commissioner of public lands and buildings were added to the executive department. The salaries of the four executive officers under the constitution of 1866 were as follows: Governor, \$1,000; secretary of state, \$600; treasurer, \$400; auditor, \$800. Under the new constitution the salary of the governor, auditor, and treasurer is \$2,500; all the rest of the executive officers receive \$2,000, except the lieutenant-governor, whose compensation is twice that of a senator. Under the old constitution these officers were not prohibited from receiving fees or other perquisites, and it was expected that the treasurer's meager allowance would be swelled by interest on loans of the funds in his custody. The new constitution prohibits all state officers from appropriating any fees or perquisites to their own use. Long-continued and wanton disregard of this inhibition demoralized the civil service and caused great losses of the public funds.

The number of judicial districts was increased from three to six, with a judge for each, and an independent supreme court with three judges was established — an increase over the old régime of three districts and six judges. The legislature was authorized to increase the number of judicial districts once every four years, after 1880, by a vote of two-thirds of its members. The length of the term

of the judges of the supreme court remains the same as under the old constitution. The salary of judges was increased from \$2,000 to \$2,500. There was no provision for county judges in the old constitution.

Under the constitution of 1866 the upper house of the legislature consisted of thirteen members and the lower of thirty-nine; but after ten years from the adoption of the constitution — that is, in 1876 — the legislature might increase the senate to twenty-five and the house to seventy-five members. The new constitution limited the membership of the senate to thirty and of the house to eighty-four until 1880, when that of the former might be increased to thirty-three and of the latter to one hundred. The legislature raised the number of both bodies to the maximum at the first opportunity — in 1881. The provision for compensation of members in the new constitution was copied from its predecessor, but at the general election of 1886 an amendment was adopted which increased the per diem from three dollars to five dollars and the number of days for which compensation might be received in any one session from forty days to sixty days. The amendment also limits the number of days for which members may be paid during their entire term of office to one hundred.

The State University was organized and, until 1875, governed without any constitutional paternalism; but a provision for its government was legislated into the new constitution. This unfortunately involves an elective board of regents. Members of this important body should have special qualifications. Under the convention system these offices were often tossed as a salve to some disappointed county or individual without due regard to fitness. It is not likely that under the present direct primary system the choice will be more discriminating.

The new constitution designated certain state officers to constitute a board of public lands and buildings and another set of such officers for a board of education. Under the old constitution the same end was reached by legislative enactment.

The constitution of 1871 hit a juster range

of salaries than that of 1875. The members of the legislature were to receive four dollars a day, without limitation of the number of days; the governor three thousand dollars a year and all the remainder of the state officers two thousand dollars, except that the allowance for the lieutenant-governor is the same in both constitutions. It would be difficult at least to overthrow the assumption that in 1871 the superior dignity of the governor made his services worth a thousand dollars a year more than those of the other state officers; but there seems to be no good reason for rating the governor, auditor, and treasurer five hundred dollars higher than the other state officers in 1875. The attorney-general, for example, is probably the hardest worked, and ought to be the ablest, of them all. But the convention of 1871 was palpably wiser than its successor in allowing a salary of thirty-five hundred dollars instead of twenty-five hundred for judges of the supreme court. The salaries of district judges were the same under both constitutions, but the convention of 1871 conceded that the legislature might well be entrusted with authority to readjust these salaries by providing that they should stand as specified in the constitution "only until otherwise provided by law," while in the constitution of 1875 all salaries are rigidly fixed.

The convention of 1875 followed that of 1871 by incorporating in the constitution that barren formalism which confines the power of introducing appropriation bills to the house of representatives. This distinction is a mere echo of a constitutional principle which was recognized in England as early as the fourteenth century. It was an acknowledgment by the crown, grounded in expediency, of the growing self-assertion and power of the commons represented in the lower house of parliament. The chief and sufficient reason for the rule was that the lords, by virtue of their life tenure, were not responsible or responsive to public opinion and therefore could not justly be entrusted with power of taking public money. The distinction was then logical and vital, whereas in our state legislature, whose members are elected at the same time in the same manner and for the same term and from

the same class, it is an innocuous memory. Indeed, it may well be doubted whether the increased expense and clogging of business which flows from the mere arbitrary and artificial division of this homogeneous body into two segments is offset by its assumed advantages of greater scrutiny and deliberation. This dual system is also a projection from a time when class distinctions were universally recognized in political organization and other social relations.

The only allusion to the location of the capital in the constitution of 1866 is a provision that the first state legislature should meet at Omaha. The constitution of 1871 provided that the capital should remain at Lincoln until 1880, "and until otherwise provided by law designating some other place therefor, which shall be submitted to and approved by a majority of the electors voting thereon." The present constitution provides that the seat of government shall not be removed or relocated without the assent of a majority of the electors of the state voting thereupon at a general election or elections, under such rules and regulations as to the number of elections and manner of voting and places to be voted for as may be prescribed by law. Of these two provisions the former was probably the safer for Lincoln. It would have been difficult for the legislature to settle upon a specific new location and in turn still more difficult to procure the assent of a majority; whereas, under the present constitution, the legislature might adopt a plan fairer in appearance by which all aspirants would be voted upon together at as many successive elections as would be necessary to eliminate those having the low vote, thus reaching a final contest for a majority between the two highest, but only after every other had had a fair chance.

While the preamble of the constitution of 1866 is not as fine in form as that of the federal constitution, yet it is concise and dignified and superior to that of the constitution of 1875, which, though commendably brief, is clumsy in construction, and that of the constitution of 1871 is verbose sermonizing. Probably the worst verbal blemish in the constitution of 1875 is the utterly indefensible substitution of "persons" and "people" for "men"

in a clause adopted from a noble passage of the Declaration of Independence. For example: "All persons are by nature free and independent;" "to secure these rights . . . governments are instituted among people"! Mr. Hascall attempted to perpetuate this vandalism in the convention of 1871 but was successfully opposed by some of the ablest members. The committee on the bill of rights reported it in this bad form, and it appears to have passed without protest. Manderson gave much attention to the verbal form of this part of the constitution, and as he was a champion of the cause of suffrage for women the use of words of common, instead of masculine gender no doubt suited his purpose.

The attempt to improve upon the style of the federal constitution in the preamble was no less unfortunate than that of improving the style of the Declaration of Independence. Section 24 of the bill of rights, which provides that "the right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied," was a characteristic innovation of Maxwell, and it has caused no little expense and delay in obtaining justice, without compensating advantage.

The first democratic convention of 1876 was held at Lincoln, April 19th. Miles Zentmeyer of Colfax county was temporary chairman and Stephen H. Calhoun of Otoe was permanent president. George W. Ambrose of Douglas was chairman of the committee on resolutions which demanded the prosecution of plunderers of the coffers of the nation; declared that gold and silver were the true basis of sound money; demanded return to specie payment "as soon as can be done without detriment to the commercial and industrial interests of the country"; and called on all political committees and candidates in the state to abstain from using money in state elections except in payment for printing. The use of money in political campaigns, they declared, was a great source of corruption in state and nation. This was a prelude to the corrupt practice acts which continuing conditions in question have been calling into existence in recent years. Dr. George L. Miller of Douglas county, Dr. Alexander Bear of Madison, Gilbert B. Scofield of Otoe, Tobias Castor of Saline, F. A.

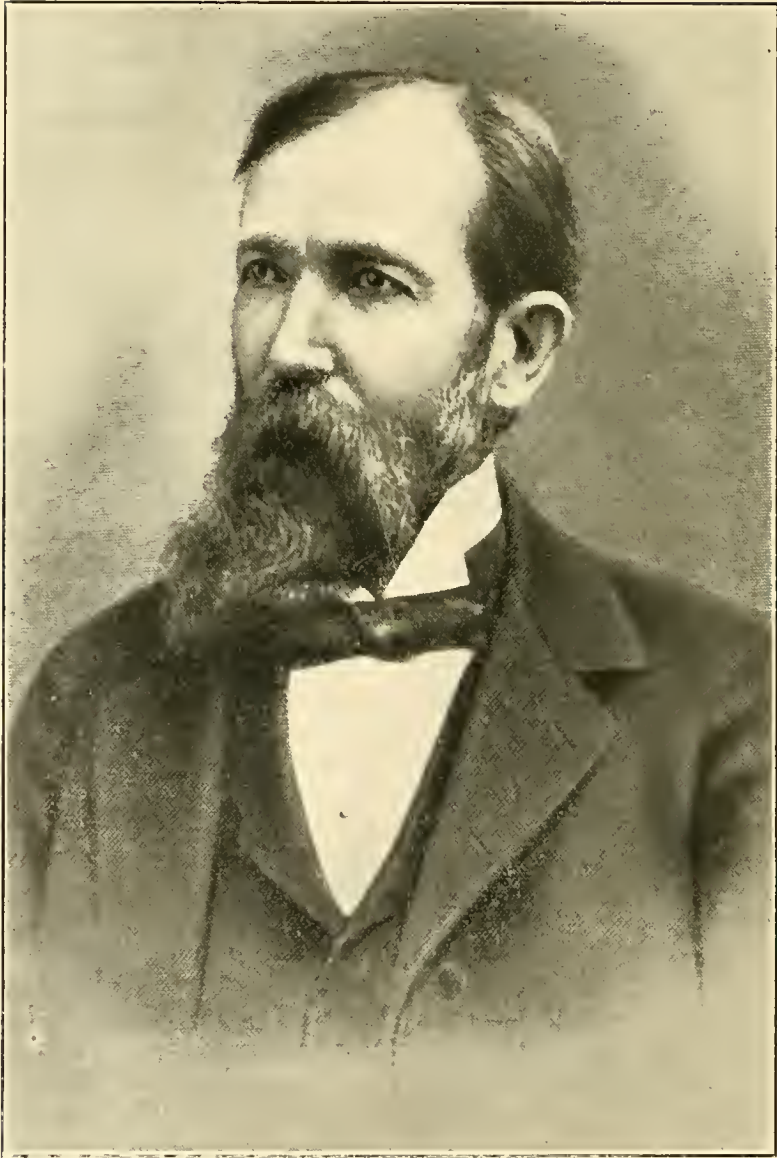
Harman of Franklin, and Charles McDonald of Lincoln, were chosen for delegates to the national convention. A motion instructing them to support Samuel J. Tilden as a candidate for the presidency was laid upon the table, though under the leadership of Dr. Miller such instruments were unnecessary. A majority of the democrats of the state favored the nomination of Tilden, though there was a strong minority in opposition.

The republican convention for choosing delegates to the national convention was held at Fremont, May 23, 1876. The spirit of progress — or rebellion, for social progress involves rebellion — which in 1872 broke out in open revolt, was active in this convention. It was manifested in the election of Charles H. Van Wyck as temporary chairman over Amasa Cobb, the candidate of the conservatives or reactionists, by a vote of 87 to 77. Mr. Van Wyck's address to the convention on assuming the chair was a mild beginning of his subsequent career of chronic insurgency. "We know well," he said, "the influences that have been at work during the last few years to the detriment of the republican party; and we today witness an uprising of the people declaring that they have decided to take the power into their own hands. This feeling is . . . beginning to raise us into the atmosphere of political and financial honesty. The republican party must save the nation again. . . ." Precisely the "insurgent" song of the present hour. The persistent inclination of this aggressive local leader to profess reform within the old party was an excuse, if not a justification, for the bitter assaults which the leaders of the alliance movement made upon him many years later. But in the meantime this insurgent note, artfully and persistently repeated, sang him into the United States Senate — five years later.

Two sets of delegates sought admission from Douglas county. One of them represented the interests of Senator Hitchcock and included Thomas M. Kimball, William A. Gwyer, and Isaac S. Hascall; the other represented the field of rivals and aspirants for Hitchcock's office, led by Charles F. Manderson, Alvin Saunders, Clinton Briggs, and John M. Thurst-

ton. Three of these eventually realized their ambition, and the other — Briggs — was an unsuccessful candidate in the next struggle in which Saunders was chosen to succeed Hitchcock. Thurston's leadership, which became more dominant than that of either of the others of the group, was then just budding; but Manderson alone was able to command a second term. The convention had no mind to engage in the factional fight over the senatorship and so excluded both sets of Douglas county claimants. The powerful and pugnacious opposition to Hitchcock in his own county and the preponderant strength against him in the convention foretold his defeat at the next session of the legislature. It was little more or less than a rush of the outs to oust the ins — in common political parlance, "dog eat dog." The organ at Lincoln denounced the disturbance, which was hurting the party, with an unwonted temerity. It was "the Omaha delegation nuisance." In a friendly leaning to the incumbent it observed that the Hitchcock delegates were "untitled gentlemen," while the hostiles were "a galaxy of judges, including the chief justice himself [Lake], an ex-governor [Saunders], and an ex-general [Manderson], with a private or two thrown in." No opposition to James G. Blaine was manifested, and a resolution instructing the delegates to the national convention to use all honorable means to procure his nomination for president was adopted unanimously.

The democratic state convention was held at Creighton Hall, Omaha, September 6, 1876. W. P. Connor of Fillmore was temporary chairman and F. J. Mead of Saunders, permanent president. S. B. Miles of Richardson county and Milton Montgomery of Lancaster were vice presidents and Stephen H. Calhoun of Otoe was chairman of the committee on resolutions. Endorsement of the St. Louis national platform was the main feature of the resolutions. They denounced the republican party for arming the Indians to take the lives of taxpaying white men and for protecting Indians while leaving our white frontier without protection from them. The convention nominated for governor, Paren England of Lan-



CHARLES H. GERE
Private secretary Governor Butler

caster county; lieutenant-governor, Miles Zentmeyer of Colfax; secretary of state, Joseph Ritchie of Madison; treasurer, Samuel Waugh of Saline; auditor, G. P. Thomas of Burt; attorney general, D. C. Ashby of Franklin; superintendent of public instruction, J. M. Jones of Washington; commissioner of public lands and buildings, Henry Grebe of Douglas; for presidential electors, S. H. Calhoun of Otoe, St. John Goodrich of Douglas, M. C. Keith of Lincoln.

The greenback party held a convention, composed of delegates from fifteen of the sixty counties, at Lincoln on the 26th of September. L. O. Barker was chairman and W. H. Morris of Saline county, Allen Root of Douglas, J. F. Gardner of Richardson, A. G. Wilson of Cass, Marvin Warren of Jefferson, were the members of the committee on resolutions, and J. F. Gardner was nominated for governor.

The republican state convention met at Lincoln, September 26th. Its procedure hinged mainly on the senatorial succession, and the anti-Hitchcock faction elected Turner M. Marquett temporary chairman over Charles H. Gere — who, being editor of a typical party organ of the period was therefore ostensibly the friend of the incumbent — by a vote of 144½ to 141½. There was a long wrangle over the temporary organization, two sets of delegates from four of the counties contesting for seats; so that the nomination of candidates did not begin until the third day. After the composition of the convention had been determined, Mr. Gere was chosen permanent chairman by acclamation. Up to the opening day of the convention Crouse was looked upon as the principal candidate for the nomination for member of Congress — to succeed himself; but he kept out of the contest with the purpose of striving for the senatorship. There was a large field of competitors, the first ballot yielding 88 votes for Frank Welch of Madison county, 74 for John C. Cowin of Douglas, 36 for Charles A. Holmes of Johnson, 26 for Guy C. Barton of Lincoln, 24 for Leander Gerrard of Platte, 15 for Champion S. Chase of Douglas. The nomination of Welch on the fourth ballot was another anti-Hitchcock incident. The

withdrawal of Crouse was a misfortune for the state and for himself, because he was far more capable than his successor in the House and missed promotion to the Senate.

Claiming that the population of the state was entitled to an additional member of the House, Thomas J. Majors of Nemaha county, was nominated as a contingent representative. By the census taken in the spring of 1876 the population was 257,749, which, though too far below the lawful ratio to win another seat in the House, was near enough to inspire ambitious politicians with hope that it might do so, and Majors was renominated for the contingent honor over William H. Ashby, who suffered the then great disadvantage of having worn the losing colors in the sectional war while the race of his competitor was expedited by the fact that his colors had triumphed. The incumbent executive officers were renominated. The nominations for the offices created by the new constitution were, Othman A. Abbott of Hall county, for lieutenant-governor; Professor S. R. Thompson, then principal of the normal school at Peru, for superintendent of public instruction; F. M. Davis of Clay county, for commissioner of public lands and buildings; George H. Roberts of Harlan county, for attorney-general. The platform demanded that the Union Pacific railroad company should make pro rata charges on the basis of its own through tariff on all business originating on connecting lines in Nebraska and without discrimination as to those lines; and it asked the national House of Representatives to admit an additional member from Nebraska on account of the "great increase of population since 1870." The convention was very stormy and very long, lasting five days.

The election was merely perfunctory, the republicans winning with unhealthy ease — as they continued to do with increasing unhealthy effect upon the body politic until the populist revolution of 1890. Welch, republican candidate for Congress, received 30,900 votes; Hollman, democrat, 17,206; Warren, greenback, 3,580; for contingent member, Majors, 31,467, Dech, 2,832. The greenback

party, though small, and its monetary theory unsound, yet represented the protesting and progressive element and was the forerunner or nucleus of the later triumphant populist uprising. The free silver propaganda was close kin to the greenback, and it is a curious

fact that after the silver leaders at last were obliged to abandon their theory because it died on their hands, they took up the greenback principle. The national democratic platform of 1908 illustrates instinctively this "return of the native."

CHAPTER XXVIII

BLUNDERS IN PROCEDURE — DEFEAT OF HITCHCOCK FOR SENATOR — THE LEGISLATURE OF 1877 — CAPITAL REMOVAL — INCREASE IN POPULATION — LEGISLATION AND POLITICS, 1877-1883 — OMAHA LABOR RIOT OF 1882

ON the 1st of December, 1876, Governor Garber called the sixth legislature elected under the constitution to meet in a special session at ten o'clock in the morning of the 5th of that month, and on the 5th he called for another special meeting at three o'clock in the afternoon of that day. These were the twelfth and thirteenth sessions and the eighth and ninth special sessions. The federal statute at that time required the electors to meet and cast their votes on the first Wednesday in December of the year in which they were appointed; but the state statute provided that the vote for representatives in Congress should be canvassed by the legislature in joint session and that the vote for presidential electors should be canvassed in the same manner. The legislature convened in regular session in January, 1877, too late to canvass the electoral vote; hence the necessity of a special session for that function.

The democrats attempted to obtain an injunction against the session, in the district court of Douglas county, and James R. Doolittle of Wisconsin and Abram S. Hewitt and John Morrissey of New York, came to Omaha to aid in this enterprise. But the judge, James W. Savage, dismissed the suit for want of equity. The democrats, with the exception of Enyart, Munn, and Tomlin of Otoe county, refused to attend the session; but the seven republican senators and twenty-five members of the house — five more than a quorum — were present, and the joint assembly proceeded to canvass the returns over the objections of Church Howe, which showed that under the law as it stood the

canvass of the vote for presidential electors could be made only at the regular session in January, 1877.

After the electors had been chosen, the eligibility of one of them — Amasa Cobb — was in doubt, and the afternoon session was called to provide against that danger. It proceeded to do so by again electing Cobb under the provision of the federal constitution that "each state shall appoint (electors) in such manner as the legislature thereof may direct." Senator James C. Crawford formally objected to the proceeding for three reasons: (1) that the joint convention has no knowledge of any vacancy in the office of elector, and so no power to fill it; (2) that the laws of Nebraska, which have never been repealed, require the election of electors by the people on the 7th of November; (3) that the joint resolution under which it is proposed to appoint an elector is void because it was not read at large on three separate days and does not repeal the existing law providing for the choosing of electors.

This expensive and otherwise troublesome incident arose from the second blunder of its kind by the legislature. Governor Butler had been obliged to call a special session of the legislature just before the election of 1868 because no provision had been made for the election of presidential electors. The act passed at that session provided that the votes cast for the candidates for the office of elector should be canvassed in the same manner as for candidates for the office of Representative in Congress, which, according to the revised statutes of 1866, still in force, was to

be done by the governor, the secretary of state, and the auditor, within sixteen days after the election. This left ample time for the electors to meet for the purpose of casting their votes on the first Wednesday in December, according to the act of Congress. But the act of the legislature of 1869 governing elections — which, with the act of 1868 providing for the choice of electors, was incorporated in the revision of 1873 — provided that votes cast for candidates for representative in Congress should be canvassed by the legislature which, under the constitution of 1866 and that of 1875, did not meet in regular session until the January following the general elections; and the provision of the act of 1868 that the votes cast for candidates for the electoral college should be canvassed in the same manner as those for members of Congress remained unchanged; hence the hurried call for the extra session to canvass the vote in December, 1876.

After Amasa Cobb had been chosen as an elector in the regular way it was discovered that no "person holding an office of trust or profit under the United States shall be appointed an elector," and that the fact that General Cobb was disbursing officer of the treasury department in the matter of the construction of the court house and postoffice at Lincoln probably made him ineligible. A comedy of errors seemed to monopolize the stage. The democrats did their utmost to turn the comedy into tragedy by applying for an order in the district court of Douglas county restraining the republican electors from meeting and casting their votes on the 6th day of December, on the ground that the votes cast for them at the election had not been legally canvassed.

It seems, however, that the irregularity of 1876 was not as flagrant as that of 1872, for there was an attempt to regularize it; but we are told that "four years ago the secretary of state and the acting governor, James, set the precedent of interpreting the new law as not making any change in the old way of canvassing the electoral vote, and opened the returns on the day required by act of Congress and canvassed them under the old provision,"

and that "the clause in the law holding that the vote for electors shall be canvassed in the same manner as the vote for congressman, meant as the vote for congressman was canvassed at that time."

The seventh legislature convened in the fourteenth session and the fifth regular session, January 2d, and finally adjourned February 15, 1877. George F. Blanchard, republican, of Dodge county, was elected temporary president of the senate, receiving 19 votes to 9 for Church Howe of Nemaha county. Albinus Nance of Polk county was elected speaker of the house, his principal competitor being Dr. Alexander Bear of Madison county.

The principal event of the session was, of course, the election of a senator of the United States. As the popular preference for candidates for this office is now expressed at primary elections in most of the states, the formal election is merely perfunctory, a saving of much time and distraction over the old method. On the first joint ballot, Phineas W. Hitchcock, the incumbent, received 27 votes; Alvin Saunders, 14; Clinton Briggs, 12; Lorenzo Crouse, 12; George B. Lake, 3; Charles F. Manderson, 4; Theron Nye, 3. The opposition cast 25 votes for James W. Savage, democrat. On the first ballot taken the next day — January 18th — Saunders received 45 votes; Hitchcock, 36; Savage, 26. On a second ballot, taken after a brief adjournment, Saunders was elected, receiving the entire republican support and of ten independents — 88 in all.

Only one United States senator from Nebraska — Manderson — has gained two full terms. Tipton had a desperate struggle for reelection after his very short initial term of two years, and all the rest have been put out after one term. The charges that Thayer had been put off with only a fractional term by bribery were kept alive during the service of his successful competitor and probably caused his defeat. Mr. Hitchcock evidently attributed his misfortune to the bribery accusation.

In the sensational campaign thirty-two republican newspapers actively opposed Hitchcock's reelection, twenty-six were neutral, and

only thirteen positively supported him. At that period no one politically unfriendly to railroads could attain an important political office, and probably no one not positively friendly to them ever did. But there seemed to be enough truth in the complaint that Hitchcock was over-friendly to them, even in that heyday of loyalty—largely pass-inspired—to make it an effective aid to the bribery scandal and the inevitable disappointed office seekers. Charged with these poisons and driven home by the restless and relentless Rosewater, the sting of the *Bee* was destructive.

Another formidable attempt to remove the capital from Lincoln—the last until 1911—was centered in the house. On the final vote the bill received 36 affirmative, and 37 negative votes. Twenty-three of the thirty-six supporters of the measure were from the North Platte section. Of the eight members from Douglas county, three voted aye, three nay, two not voting. When "Jack" MacColl, introducer of the bill, was a candidate for governor in 1896, this incident had apparently not been quite forgotten.

A report of the secretary of state upon the census showed that increase in the population of Nebraska from 1855 to 1860 was 542 per cent; from 1860 to 1870, 327 per cent; from 1870 to 1876, 109 per cent. An exhibit accompanying the report gave the population in 1874 as 223,657; in 1875, 246,280; in 1876, 257,747. The enumeration from which these aggregates were compiled was made by precinct assessors under the law of 1869, and it is therefore unlikely that they are reliable; but they at least served as basis for comparison. According to the federal census the population was 452,402 in 1880. The constitution of 1875 provides for an enumeration every ten years, beginning in 1885. The direction was complied with that year and the population was found to be 740,645, but it has been disregarded ever since.

The laws passed at this session were not as numerous nor as important as those of subsequent sessions. The so-called Granger cases, originating in Illinois, Iowa, and Wisconsin, which established the principle that

railroad rates could be controlled by legislation, were decided this year but not in time to stimulate legislation along that line. The only acts affecting railroads passed at this session were an amendment strengthening the law of 1876 making railroads liable for the value of stock killed in transit; another requiring railroad companies to keep stock cars clean; and another making taxes on the road-bed, right of way, depots, sidetracks, ties, and rails a perpetual lien thereon, and declaring such property personal for the purpose of taxation and collection of the tax. A bill (H. R. 77) to fix the liability of common carriers receiving property for transportation was indefinitely postponed in committee of the whole; House Roll 254, to require railroads in Nebraska to "pro rate" with one another, was safely buried in the committee on railroads of which Loren Clark, whom the Omaha *Bee* afterward made famous or infamous by its attacks upon him for corporation subserviency, was chairman. This committee recommended the indefinite postponement of a house resolution directing the committee to inquire into the expediency of regulating freight and passenger rates, for the reason, as stated, that the committee was informed that the senate was about to report a bill of that nature. Such a bill was introduced into the senate, where it was indefinitely postponed in committee of the whole by a vote of 18 to 8.

The most important bills passed at the session were as follows: An act prohibiting the sale of intoxicating liquors within three miles of a place where any religious society was assembled for religious worship in a field or woodland; providing that the principal and interest of the grasshopper bonds of 1875 should be paid out of the state sinking fund; repealing the act of 1875 creating a state board of immigration; regulating the manner of proposing amendments to the constitution and submitting them to electors; providing for township organization; creating a commission for three members to revise the general laws of the state; authorizing the supervisors of each road district and supervisors to be appointed by mayors of cities to require

each able-bodied male resident between the ages of sixteen and sixty years to perform two days' labor, at such time and place and in such manner as should be deemed most efficient in the destruction of grasshoppers. If it should appear that two days' labor would be insufficient, the supervisors might require a greater number of days, not exceeding ten. No compensation was provided for such work, and any person refusing to perform it was liable to a fine of \$10 with costs of suit. Further enactments were, for establishing the board of public lands and buildings and defining its duties; offering a bounty of \$1 for every wolf, wildcat, and coyote killed, to be paid by warrants drawn by the auditor upon the state treasurer. A joint resolution was passed requesting members of Congress from Nebraska to attempt to procure such legislation as would provide for the appropriation of the proceeds of the sale of public lands in the several states devastated by grasshoppers to be used in payment of bounties for their destruction. A preamble and joint resolution was passed which recited that the state had materially suffered from frequent and continued invasions of hostile Indians for the past twelve years and asking that the control of Indian affairs be transferred to the war department for more efficient and economical administration. Another joint resolution recited that the federal census of Nebraska taken in 1870 failed to show the actual number of people in the state; that there had been a rapid increase of population since that time, that the state census of 1875 showed a sufficient population to entitle the state to two members of Congress, and asking that an additional member be awarded. A joint resolution was passed reciting, "That the records of the impeachment and removal from office of David Butler, late governor, be and the same are hereby expunged from the Journals of the Senate and House of Representatives of the 8th session of the legislature of Nebraska."

J. Sterling Morton and Dr. George L. Miller worked together in politics during the greater part of their long political activity; but during the decade of 1880-1890 and until

the new leader, Bryan, with his new, or, rather, more vitalized, doctrines conveniently but superficially called Bryanism, arose in the early part of the next decade, when they made common cause against him, they were the leaders of two mutually hostile factions of the democratic party. Their differences were mainly due to the overweening ambition for leadership and the domineering personal temper or temperament of both, though Miller was inclined to Randall protectionism while Morton was a radical free trader, and their railroad affiliations were not always identical. Morton, moreover, after his recovery from his greenback lapse, grew more "sound" on the money question than Miller. As early as 1877 a quarrel between them was noticed, ostensibly over a puff in the *Herald* of Dan. Voorhees, whom Governor "Blue Jeans" Williams had recently appointed to succeed Oliver P. Morton, deceased, as United States senator. Morton pointed out that the *Herald* had formerly called the budding statesman a wind-bag and other impolite names which Miller always freely drew for editorial use from his full-stocked vocabulary. Morton himself had been alike impolite to "the tall sycamore of the Wabash," who was too much bent on "doing something for silver," but stuck to it while Miller took it back.

The republican state convention for 1877 was held at Lincoln, October 10th. It was called to order by Charles H. Gere, chairman of the state committee; James W. Dawes of Saline, was temporary and permanent chairman, George L. Brown of Butler, temporary secretary, and Daniel H. Wheeler of Cass, permanent secretary. George B. Lake of Douglas county, was nominated for chief justice of the supreme court on the second formal ballot. The convention, for some reason not apparent, did not want a platform, and the usual motion for the appointment of a committee on resolutions was defeated by a vote of 119 to 131. James W. Dawes was pitted against Edward Rosewater for member at large of the state committee and was victorious by a vote of 171 to 82. This incident was indicative of the relative standpat and insurgent strength in the party. Self-

contained and subservient reactionaries did not dream, much less see, that eventually they must bow to their ascendant Nemesis whom they now contumeliously spurned. Rosewater was to have his day, and a great day it would be. A delegate from Douglas county offered a resolution of sympathy with the laboring classes for their manly defense of their rights "during the recent attempt of capital to oppress labor." It was supported by Rosewater, opposed by Gere, and tabled by the convention of course. The standpat mouthpiece characterized it as "Rosewater's communistic resolution" and declared that the Douglas delegation was composed chiefly, if not entirely, of men who bolted the organization last fall, their chief object being to destroy Judge Briggs, "a man who for a time had got in bad company."

On the 26th of October E. A. Allen, chairman, and S. F. Burtch, secretary of the democratic state committee, issued a statement that as "only a judge of the supreme court and two regents of the university were to be nominated," they deemed it inexpedient to hold a state convention. The committee had unanimously passed a resolution urging the State Bar Association to nominate a candidate for the judgeship; but the association having declined to act on its suggestion, the committee urged all democratic county organizations to put the name of John D. Howe upon their tickets and support him at the polls. As a matter of course the lawyers, who were usually ambitious politicians and perforce, perhaps, members of the dominant party, could not afford to listen to a proposal to divide official honors and emoluments with the minority party so long as their own party was strong enough to safely monopolize them. Even recent repeated attempts, stimulated by the present comparatively strong and growing independence of partisanship, have failed to unhorse the pernicious custom of the partisan choice of judicial officers which was so firmly seated in those inauspicious times.

Judge Lake had flirted too much with various parties to be wholly acceptable to the stalwart republicanism of that day; and so the *State Journal* was willing to quote from the

free lance Lincoln *Globe* a severe stricture upon his candidacy. There was much complaint, the *Globe* declared, about Lake's nomination. Ten years of incumbency was enough and many wanted a new man. Besides, Briggs had probably missed the nomination by a miscount in the convention and Lake's managers would not consent to a recount. He was not a man of decided ability, falling below Gantt in that respect, and his written opinions fell below the standard, "contributing for him his full share of much bad law confessedly contained in the Nebraska reports." This was the opinion of "the able members of the bar." While on the bench he had been a constant candidate for the United States senatorship and for a seat in the lower house of Congress; and in 1868, failing to get the nomination of the republican party, he accepted one from its political opponents and ran against the regular republican candidate, John Taffe, in the meantime "remaining upon the bench against all precedent, so as to be sure of an office in any case." The *Globe* thought that the bar association would nominate Briggs or Wakeley.

Lake received 25,569 votes against 15,639 cast for Howe, his democratic opponent. That palpable republican dissatisfaction with Lake's nomination should not have been manifested in a greater defection in his support at the polls is explained by the unquestioning party loyalty which would still accept or tolerate argument of this sort: "Politically the republicans of Lancaster county should vindicate the honor of the old flag. . . . Republicans of Lancaster county, stand by your guns and vote straight as you shot, and let the cry of 'bloody shirt' dismay those only who got their shirts crimsoned in the ranks of disloyalty and secession." More directly vital to the interests of the party organs, there would be no danger of annoying inquiry into fat public printing subsidies or other public matters of practical import, so long as public attention could be diverted by such inspiring appeals to a paramount patriotism.

A large element of the republican party at this time favored the restoration of free coinage of silver. The *State Journal*, which led in the movement, ardently supported the

Bland bill — which had passed the House — “restoring the old dollar of 412½ grains as an unconditional legal tender for debts, public and private,” and insisted that it must pass the Senate without amendment. This was the same radical principle which all the leading republican newspapers of the state, including the *Journal*, violently assailed William J. Bryan for promulgating about fifteen years later. On the 12th and 16th of January, 1878, mass meetings were held in Lincoln in the interest of free coinage. Harvey W. Hardy was president of the meetings and Allen W. Field secretary. Lorenzo W. Billingsley offered a set of drastic resolutions about the crime of '73, for restoring free silver coinage and declaring that if President Hayes should veto the Bland bill our representatives in Congress ought to endeavor to pass it over the veto. Turner M. Marquett, Oliver P. Mason, Charles H. Gere, S. B. Galey, John L. McConnel, John B. Wright, and President Hardy, all republicans, and comprising most of the party leaders of the capital city, favored the resolutions. Only Nathan S. Harwood and Genio M. Lambertson opposed and favored a gold standard. Harwood advocated a resolution in favor of the coinage of silver dollars equal in value to gold dollars; and he opposed the Bland bill because it was not honorable to pay debts in depreciated money. In reply to the assertions of the resolutions and the other speakers that the silver dollar was fraudulently demonetized in 1873, he pointed out that the provision for its coinage had long been obsolete when it was formally dropped from the statutes. John I. Redick of Omaha, who in a few years won a reputation for changeful opportunism — not always or necessarily an unwise or discreditable tendency — was for the resolutions, of course. An amendment declaring for the repeal of the specie resumption act, presented by C. H. Gould and pressed by L. C. Pace, was defeated, it would seem inconsistently. Harwood and Lambertson were among the earliest and most positive advocates of the gold standard in the great struggle for free coinage of silver which began about 1890.

The republican state convention for 1878 was held at Lincoln, October 1st. It was

called to order by James W. Dawes, chairman of the state committee, and Monroe L. Hayward of Otoe county was temporary and permanent chairman. There were contesting delegations from Custer, Douglas, Franklin, Gosper, Lincoln, and Madison counties. Amasa Cobb, who had been appointed to fill the vacancy caused by the death of Daniel Gantt, May 29, 1878, was nominated for judge of the supreme court by acclamation; and Edward K. Valentine was nominated for member of Congress on the fourth formal ballot. The informal ballot gave Lorenzo Crouse 110 votes; Valentine, 90; Oliver P. Mason, 25; and other scattering support; the third formal, Crouse, 125; Valentine, 131; George F. Blanchard, 36; Joseph C. McBride, 6; Mason I. Thomas J. Majors was nominated for the short term, to fill the vacancy left by the death of Mr. Welch in September. Albinus Nance of Polk county was nominated for governor on the third formal ballot. The platform declared that “elections shall be free in the south”; with some deference to President Hayes’s inclination; squinted toward reform of the civil service; denounced a gratuitous assumption that damages inflicted on the property of southern states by the war might be paid from the national treasury; declared that the ample power of Congress must be exerted to guard against extortions of corporate capital; saw signs of reviving business; insisted that the greenback should be made as good as honest coin; approved the Bland bill for coining standard silver dollars and restoring their legal tender character, but declared that coinage should be free and that the thirty million trade dollars then in circulation should be made legal tender; denounced the recent attempt of democrats to steal the presidency; protested against a proposition to withdraw public lands west of the one hundredth meridian from homestead, preëmption, and timber culture; demanded that, as soon as practicable, Indians now within our border should be removed to the territory set apart for their use.

Edward Rosewater characteristically convulsed the convention by introducing a resolution which declared that the recent decision of the Supreme Court of the United States tha

the Union Pacific bridge across the Missouri river was a part of the main line of the road implied that the special bridge toll of ten dollars for each car of freight and fifty cents for each passenger was contrary to the spirit of the charter granted by the United States to the Union Pacific company, was unjust and oppressive, and that the question should be clearly defined by an act of Congress and the bridge rate reduced to that charged on the rest of the line. The resolution was hotly opposed, John M. Thurston leading the attack, and S. B. Galey and W. H. Ashby assisting. James Laird, William J. Connell, and others supported it. But Nebraska politics was not yet ripe for definite, much less drastic, anti-corporation declaration such as this, and the resolution was defeated by a vote of 127 to 84. Charles O. Whedon, following his penchant for sardonically marrying incongruities, offered an amendment as follows: "Resolved, that it is an outrage for the ferry companies at Plattsmouth, Nebraska City, and Brownville to charge \$10 per car for transferring cars across the Missouri river." This was added to the Rosewater resolution as an amendment and fell with it. As reported in the *Daily State Journal*, October 4th, Mr. Whedon "argued that the Union Pacific railroad had a right to fix the amount of the toll exactly as much as a man has a right to fix the price of a bushel of potatoes he has for sale." The radical change of attitude toward the relation of transportation companies and the state is illustrated by the fact that in the year 1911 Mr. Whedon is an "insurgent" or "La Follette republican"; which means that he holds to the right and duty of the public, through commissions or legislatures, to absolutely fix railroad rates. The irrelevancy of the Whedon resolution lay in the fact that the Union Pacific railroad was largely a giant creature of the people who, therefore, participated in its management through the agency of the federal government, while the ferries in question were at that time regarded as simply private concerns.

The democratic state convention was held at Lincoln, September 25th. A majority of the convention was chiefly bent on effecting

fusion with the greenback party and of emulating the republican devotion to unstable money. A majority of the committee on resolutions, comprising Frank P. Ireland, James C. Crawford, James E. North, George E. Pritchett, James R. Gilkeson, and A. J. Smith, reported a conservative plank in favor of carrying out the resumption act and of a currency convertible into coin at the will of the holder. Their platform included, almost of course, a declaration against the protective tariff. The two dissenters — James G. Megeath and Nat. W. Smails — offered a minority plank demanding the postponement of resumption until the needs of the country admit it, the restoration of silver to the position it occupied before it was fraudulently demonezitized, the abolition of the national bank system, and the substitution of greenbacks for the bank notes, opposing any further sale of bonds for resumption purposes and insisting that the public debt should be paid according to the original contract. This report was adopted in preference to that of the majority by a vote of 69 to 53. The platform also denounced republicans for defrauding the nation of a president justly elected, and because they had "squandered the public lands, robbed the school funds, wasted the public money in rotten contracts for rotten public buildings, and levied a tax of half a million dollars a year for ten years to enrich favorites and feed imbeciles in office." It declared for "the liberty of individuals unvexed by sumptuary laws" and "against any and all protective tariffs." The convention nominated candidates as follows: For member of Congress, long term, J. W. Davis; short term, Dr. Alexander Bear; governor, W. H. Webster of Merrick county; lieutenant-governor, F. J. Mead; secretary of state, Benjamin Palmer-ton; auditor, E. H. Benton; treasurer, S. H. Cummins; superintendent of public instruction, S. L. Barrett; attorney-general, Stephen H. Calhoun; superintendent of public lands and buildings, Joseph McCreedy; judge of the supreme court, John D. Howe. Dr. George L. Miller was named in the convention for governor and J. Sterling Morton for member of Congress, but it was inclined to a

new deal, and the monetary principles of these two veterans had become rather too hard to yield to greenback fusion.

A state greenback convention held at Lincoln on the 14th of August nominated a ticket of which the candidates for member of Congress, auditor, treasurer, attorney-general, commissioner of public lands and buildings, and judge of the supreme court were the same as those of the democrats. There was no essential difference between the democratic and greenback money planks, and the only appreciable difference in the republican plank was its friendliness to national bank currency as well as greenbacks and a demand for the convertibility of greenbacks into coin; but the virtue of the demand for a coin basis was repudiated by the radical demand for unlimited free coinage of debased silver.

The fusion of democrats and greenbackers was effective enough to alarm the dominant party and did not fall far short of defeating it. Cobb, candidate for judge of the supreme court, received 28,956 votes against 23,191 cast for Howe. Nance, republican candidate for governor, received 29,469 votes while the opposition divided its support, giving Webster, democrat, 13,473, and Todd, greenback, 9,475. All of the other opposition candidates for state offices received the fusion vote. Valentine, republican candidate for member of Congress, received 28,341 votes; Davis, democrat and greenback, 21,752; Dr. Alexander Bear, national, 110.

The eighth legislature convened in the fifteenth session and the sixth regular session, January 7th, and finally adjourned February 25, 1879. The senate comprised eighteen republicans, five democrats, two greenbackers, and five nationals. The democrats were Charles H. Brown and C. V. Gallagher of Douglas county, D. T. Hayden of Otoe, Lewis Ley of Stanton, George A. Stone of Richardson; the greenbackers, P. W. Birkhauser of Richardson, J. H. Grimm of Saline; the nationals, William B. Beck of Burt, T. A. Bunnell of Saunders, John A. Cuffy of Washington, J. A. McMeans of Jefferson, O. P. Sullenberger of Dixon. Of the fifty-five members of the house thirty-six were repub-

licans, nine democrats, six greenbackers, two independent republicans; not designated, two. Charles P. Mathewson, republican, of Madison county, was elected speaker.

Among the enactments of this legislature was a provision that "all impeachments of state officers shall be tried before the supreme court," except that judges of the supreme court should be tried by all the district judges. Nance county was formed, its territory comprising the Pawnee reservation. Saline lands described as follows were set apart for the use of a Nebraska hospital for the insane: n. e. $\frac{1}{4}$ sec. 4, t. 9 n., r. 6 east 6 p. m.; s. w. $\frac{1}{4}$ sec. 34, t. 10, r. 6. The excess of the state moneys on hand over \$100,000 was to be invested in United States four per cent bonds. The sum of \$100,000 was appropriated out of the sinking fund to pay off that amount of the state funding bonds. A fish commission was created to consist of three members whose term of office should be three years. No salary was provided for the commissioners, but their expenses should be paid to an amount not exceeding \$500. A bounty of \$2 was provided for the taking of wolves, wildcats, and coyotes whenever any county should vote to give such bounty. By the law of 1877 \$1 was to be paid by the state for each animal killed. By the law of 1879, \$7,500 was provided for payment of bounties under the law of 1877. The contract for leasing convict labor at the state penitentiary to W. H. B. Stout, made September 22, 1877, was extended six years from October 1, 1883. Under the conditions of this law Stout was to build for the state 240 stone cells before October 1, 1883. He was to receive forty-five cents a day for each convict for the first three years of his lease, and forty cents a day for the second three years. All that part of the Omaha and Winnebago reservation not included in Cuming or Burt counties was attached to Dakota county for judicial and revenue purposes. It was provided that counties must pay \$3.33 an acre for six rows of trees planted along half section or north section lines east and west and cared for not less than five years. A general election law provided that one judge of the supreme court and two regents of the

university should be elected in 1879 and every two years thereafter, for a term of six years. Judges of district courts should be elected in 1879 and every four years thereafter; state officers and members of Congress, in 1880 and every two years thereafter; county officers, in 1879 and every two years thereafter; one county commissioner in 1879 and one annually thereafter. At the general election immediately preceding the expiration of the term of a United States senator, electors might express by ballot their preference for his successor. It was provided that county treasurers should be eligible to office for only two consecutive terms. The sum of \$75,000 was provided for building the west wing of a new capitol. The sum of \$10,000 was appropriated for establishing and maintaining a reform school at Kearney, provided that the city should donate to the state a site for the same comprising not less than 320 acres.

Memorials and joint resolutions were passed asking Congress to extend the provisions of the acts of 1850 and 1855, relative to swamp and overflowed lands, to Nebraska and other new states; to transfer the Indian bureau to the war department, "believing it will give greater protection to our exposed settlers," and be less expensive; to place the Santee Sioux Indians on the old Ponca reserve recently vacated by the Spotted Tail band, only six miles distant from the lands held by the Santee in Knox county, which were seized by the interior department after being settled upon and cultivated by citizens of that county. A memorial set forth that incursions of hostile Indians east of Fort Robinson had recently resulted in the loss of several lives and much damage to property; and senators and representatives from Nebraska were asked to urge upon the war department the establishment of a military post in that part of the state. Congress was asked to repeal that part of section 640, revised statutes of the United States, 1873-1874, under which railroad corporations operating within the state removed cases between such corporations and citizens from state to federal courts. Application was made for indemnity for school land sections in the Otoe and Pawnee reservations. The mem-

bers of Congress from Nebraska were asked to oppose the payment of southern war claims. The attorney-general of the state was instructed to proceed by suit or otherwise to collect moneys loaned out of the permanent school fund in 1870 and 1871 and to report to the next legislature the condition of each case.

In his message Governor Garber reported as outstanding ten per cent, ten years grasshopper bonds of 1875 to the amount of \$50,000 and eight per cent funding bonds of April, 1877, to the amount of \$549,267.35. Of these bonds \$123,000 had been sold to the highest bidder at \$1.07, and the balance was invested in the permanent school fund. The governor reported that "for some time past the outer walls of the capitol have been considered unsafe. Last October architects were employed to examine the building, and they pronounced the north wall in danger of falling." It was rebuilt at a cost of \$777.98. The time was not far distant when a new building must be erected. The governor recommended that citizens of Lincoln should be reimbursed for their expense in replacing the foundation of the university, but this just request was ignored.

The commission appointed under the law of 1877 to revise the statutes of the state reported to the legislature of 1879 that they had prepared a new school law, a new revenue law, and a new railroad law. According to a statement made by John H. Ames, a member of the commission, the legislature, fearing that a comprehensive report might not be upheld by the courts, adopted only a small part of the work. The legislature of 1877 not comprehending the magnitude of the work involved expected a full report of it the following fall. The members of the committee worked two years, each receiving compensation of only \$1,500.

The republican state convention for 1879 was held at Omaha October 1st. The convention was called to order by James W. Dawes, chairman of the state committee. Monroe L. Hayward of Otoe county was temporary and permanent chairman. Amasa Cobb of Lancaster county was nominated for judge of the supreme court by acclamation. In present-

ing his name John M. Thurston said that Hayward's friends had pressed his candidacy for the office against his wishes. John L. Carson of Nemaha county and Joseph W. Gannett of Douglas, were nominated for regents of the State University. Charles H. Gere was a strong competitor of these nominees. William M. Robertson of Madison county was chairman of the committee on resolutions. The platform omitted reference to silver and congratulated the country on the successful resumption of specie payment, insisting that its credit and promises must be kept as good as gold. A ruby "bloody shirt" plank was inserted. There must be no concessions to unrepentant rebels, and fear of the treasonable utterances of rebel brigadiers in Congress was expressed, and protection of votes in the South was demanded. There were pleasing signs of returning prosperity — which had been waited for since 1873.

The greenback convention was held in Lincoln October 2d. Allen Root of Douglas county was chairman of the convention and L. C. Pace of Lancaster county was an active member. John Saxon of Jefferson county was nominated for judge of the supreme court, and Thomas Gibson of Douglas and J. H. Woodward of Seward, for regents of the State University. Delegates were present from fifteen counties. Captain W. H. Ashby of Gage county, at one time or another an ardent member of every one of the parties, was chanticleer of this convention.

The democratic state convention, held in Lincoln, September 9th, nominated Eleazer Wakeley of Omaha, for judge of the supreme court and Alexander Bear of Madison county and Andrew J. Sawyer of Lancaster, for regents of the University. Stephen H. Calhoun of Nebraska City was chairman of the committee on resolutions, which complained that the republican administration made treaties with the Indians only to violate them, thus turning the enraged savages loose on unprotected settlers. They denounced, also, the republican policy of keeping a standing army to intimidate voters in the South. The platform lacked specific declarations as to state affairs. The *Daily State Democrat* — Sep-

tember 12th, approved the policy of leaving a declaration on the money question to the next national convention—not a sound precept.

The democratic convention for electing delegates to the national convention was held at Columbus, April 1, 1880. Dr. George L. Miller still adhered to the fortunes of Samuel J. Tilden and strongly favored his reomination. General Victor Vifquain, editor of the *Daily State Democrat*, was opposed to this course and had a strong following. At the Lancaster county convention, held March 30th, to choose delegates to the state convention, the supporters of Tilden were defeated. It was estimated that about three-quarters of the delegates at Columbus favored the Miller-Tilden combination. The 257 votes in the convention were divided among the leading aspirants for delegates to the national convention as follows: J. Sterling Morton, 211; Dr. George L. Miller, 200; J. W. Pollock, 188; James E. North, 157; F. A. Harmon, 127; Richard S. Molony, 131, and they were declared to be the choice of the convention. From motives of policy, instructions for Tilden were not forced, as J. Sterling Morton and some others of the delegates were not primarily for him. The fact that a special train for carrying delegates to this convention left Lincoln at 8 o'clock in the morning, March 31st, and ran to the terminus of the Lincoln & Northwestern railroad, from which passengers were taken in carriages the remainder of the distance to Columbus — eight miles — illustrates the incomplete condition of the capital city's railway connection at this time.

The republican convention for electing delegates to the national convention was held at Columbus, May 19, 1880. There was a very heated controversy in the convention between the Blaine and Grant factions, which in the election for delegates divided, nearly two-thirds being against Grant.

Though the preponderating sentiment probably favored Blaine and was certainly decidedly anti-Grant, the convention formally refused to instruct delegates to support the favorite. Though the progressive and reactionary cleavage between the two factions was not uniform, yet the Blaine partisans as a rule

represented a progressive element — as will appear by an inspection of the names of the candidates. Senator Paddock was, quite strangely, for Grant. When Garfield became president there was rather a petty controversy between Senator Paddock and Senator Saunders along this line. Saunders supported Garfield in the row with Conkling over the New York appointments and thereby won an advantage over Paddock in Nebraska appointments. When, however, Saunders procured the appointment of St. A. D. Balcombe for United States marshal, Paddock retaliated by defeating his confirmation.

The republican state convention was held at Lincoln, September 1st. Charles A. Holmes of Johnson county was temporary and permanent chairman. George W. Collins of Pawnee, John M. Thurston of Douglas, and James Laird of Adams, were nominated for presidential electors. Edward K. Valentine of Cuming was nominated for Congress by acclamation, and Thomas J. Majors of Nemaha, was nominated for contingent member of Congress. All of the state officers excepting the auditor, commissioner of public lands and buildings, and superintendent of public instruction, were renominated by acclamation. The commissioner and the superintendent of public instruction were dropped because they had been in the customary two terms, and Leidtke, the auditor, was defeated on account of charges against him for retaining insurance fees. John Wallich was nominated in his place, A. G. Kendall for commissioner, and W. W. W. Jones for superintendent of public instruction. James W. Dawes was retained as chairman of the state committee. The platform declared that national sovereignty is the fundamental principle upon which the perpetuity of the nation rests; that the principle of home rule as enunciated by the democratic party was but the cautious expression of the Calhoun doctrine of state's rights; denounced the seizure of the polls by democratic officers in Alabama; congratulated the state in its general prosperity and rapid increase of population and wealth; pledged the party to the support of such legislation by Congress and the state legislature as might be necessary to

effect a correction of the abuses and prevent extortion and discrimination in charges by railroad corporations; and appealed to war democrats to join with republicans "in defense of national integrity and the nation's purse." There was an incipient recognition of the now rather obtrusive railroad issue but expressed only in glittering generalities. The alarmist part of the declaration was still depended upon as a blind to real home issues. William McAllister of Platte county innocently introduced a set of resolutions favoring an expression of the preference of voters for candidates for the office of United States senator, in accordance with the provisions of the constitution and the law of 1879 applicable thereto. The resolution was laid on the table by a vote of 294 to 77.

The democratic state convention was held at Hastings, September 29, 1880. Frank P. Ireland of Otoe county was elected temporary chairman and Nat. W. Smails of Dodge, temporary secretary. The temporary organization was made permanent. James E. Boyd of Douglas county, Victor Vifquain of Saline, and Beach I. Hinman of Lincoln, were chosen as candidates for presidential electors, Boyd receiving 219 votes; Vifquain, 180; Hinman, 133. Robert R. Livingston of Cass county was nominated for member of Congress and Thomas W. Tipton of Nemaha, for governor, receiving 190 votes against 40 for Robert A. Batty, of Adams. Stephen H. Calhoun of Otoe was nominated for lieutenant-governor; Dr. George W. Johnston of Fillmore, for secretary of state; D. C. Patterson of Wayne, for auditor; Frank Folda of Colfax, for treasurer; E. H. Andrus of Buffalo, for commissioner of public lands and buildings; Dr. Alexander Bear of Madison, for superintendent of public instruction; and George E. Pritchett of Douglas, for attorney-general. In the mutations of local factions which peculiarly affected the two most prominent democratic leaders, Dr. George L. Miller was left at home this time but J. Sterling Morton was prominent in the convention. Charles H. Brown and James Creighton of Omaha, vigorously opposed the nomination of Tipton for governor because he was not a full-fledged demo-

crat, but they were overwhelmingly overruled.

At the election of 1880 Valentine, republican candidate for member of Congress, received 52,647 votes; James E. North, democratic candidate, 23,634; Allen Root, greenback, 4,059. For governor, Nance, republican, received 55,237; Tipton, democrat or fusion, 28,167; O. T. B. Williams, greenback, 3,898. Thomas J. Majors, candidate for contingent member of Congress, had no opposition and received 52,985. The republican candidates for district attorney in all of the six districts were elected. It was a republican clean sweep of about two to one.

The ninth legislature convened in the sixteenth session and the seventh regular session January 4, 1881, and finally adjourned February 26th, the fortieth day of the session. By a provision of the new constitution the house of representatives comprised eighty-four members and the senate thirty until the year 1880, when the legislature was authorized to fix the number, which should not exceed one hundred in the house and thirty-three in the senate. The senate comprised twenty-seven republicans and three democrats, the latter being John D. Howe and George W. Doane of Douglas county and Thomas Graham of Seward. Edmund C. Carns, lieutenant-governor, was president of the senate, and John B. Dinsmore of Clay, temporary president. The members of the house comprised seventy-five republicans, eight democrats, and one independent. H. H. Shedd, of Saunders county, was speaker. The legislature at this session adopted the maximum number for each house.

The struggle for the United States senatorship, though significant, was not sanguinary like the last against Hitchcock; but it was like the last in having the field, including the *Bee*, against the incumbent. While Beatrice was Senator Paddock's actual or nominal residence, he was for business and political purposes regarded as the son of Omaha, and so as a Union Pacific rather than a Burlington man; Van Wyck, according to his territorial location, was counted pro-Burlington. Notwithstanding that the Burlington had become more important and politically stronger since the last senatorial election when the *Journal*

avored Hitchcock, yet its interest and habit lay in the support of the powers that were, so it mildly upheld Paddock. Evidently the South Platte organ did not then apprehend what an anti-monopoly archangel was being entertained unawares in Van Wyck. The first joint ballot yielded Paddock, 39; Archibald J. Weaver of Richardson county, 15; Van Wyck, 13; Judge Elmer S. Dundy of Richardson, 12; Oliver P. Mason of Lancaster, 9; George W. Post of York, 8; John F. Kinney of Otoe, democrat, 8. There was no material change in the result of the ballots until the seventeenth, by which Van Wyck was elected with 68 votes, Paddock holding 36, Kinney 4, and 4 going to Governor Albinus Nance. The total membership of the legislature was 114—the senate containing 30 members, the house 84—and 112 voted, so that 57 were necessary to a choice. Sixty-three of Van Wyck's supporters were republicans, so he was not dependent for success upon the four democrats and one independent who voted for him on the last ballot. Franse of Cuming and Lehman of Platte voted for Paddock on the last ballot. The contest being the usual Nebraska spectacle of the field against the incumbent, Van Wyck, partially because he was the most positive political figure of the field, and partially because he was in closest touch with the incipient insurgency of the time, was the most practicable instrument for the main operation. Besides, Burlington politics had the advantage of Union Pacific in its more homespun quality. This was victory number two for the *Bee*.

Van Wyck brought ripe political experience to his highest office. He was a member of the House of Representatives from the tenth district of New York in the 35th, 36th, 40th, and 41st congresses—from 1859 to 1863, and from 1869 to 1871. He came to Nebraska in 1874 and settled in Otoe county as a putative farmer. He at once plunged into politics in the new field, and was a member of the constitutional convention of 1875, and of the state senates of 1877 and 1879. He did not long survive his political end, dying at Washington October 24, 1895. He was at least the most conspicuous, and one of the most useful

of all Nebraska's federal senators, and, up to that time, in practical statesmanship the ablest. As his term progressed he became obtrusively aggressive on behalf of tariff reform and corporation control. While he could not make much practical impression on the stone wall which capitalism in Congress then presented against assaults on its prerogative, yet he effectually stirred up an aggressive antimonopoly temper, especially in his adopted state. Of course, in the circumstances, opprobrious epithet was the principal weapon used against him, demagogue being the common name and "Crazy Horse" the less polite specific one. But what moving appeal to the masses is not demagogic? Demand governs supply in politics as in all ordinary business; and until intelligent thinking, sincerity, and honesty have spread apace demagoguery will be an important attribute of statesmanship. The Gladstones, McKinleys, Roosevelts, Bryans, La Follettes are masterful leaders chiefly because they are masters of the art of demagogic appeal, though they may be more sincere and especially more chaste and gentlemanly about it than was Van Wyck. For he was uncomely in every aspect. His body was ill-proportioned, his movements awkward, his voice raucous, his smile disenchanting; yet unusual physical and mental force, a firm grasp of the vital issue and aggressive courage in its presentation were perhaps advantageously manifested through those unlovely media to the peculiar constituency he must affect. In short, his principles, arguments, and methods anticipated those of our present "progressive" leaders; and since he persistently and consistently presented them, and at first out of season, the charge of insincerity or demagoguery is secondary if not inconsequential. That Van Wyck and Rosewater were wise in preferring to achieve reform through the overhauled machinery of the old party rather than risk it to a necessarily very crude new machine, at least cannot be disproved. A considerate view of political cause and effect discloses that, whatever his insincerity and inconsistency, on the whole, Van Wyck deserved well of his Nebraska constituency.

An appropriation of \$1,000 was made to furnish a block of Nebraska stone to be placed in the Washington monument at the city of Washington, the stone to bear a coat of arms of the state and such other inscriptions as the board of public lands and buildings might consider appropriate. Extension of time to September 1, 1882, for the construction of the west wing of the capitol was granted. One hundred thousand dollars was appropriated for building the east wing, and an option for furnishing plans and specifications at one and one-half per cent of the contract price was given to William H. Wilcox, architect of the west wing.

The Slocumb act was perhaps a more progressive and effective license law than any that had preceded it. The legislature of 1877 appropriated \$10,000 to be expended on a revision of the general laws of the state, and John H. Ames of Lincoln, Alexander H. Conner of Kearney, and Stephen H. Calhoun of Nebraska City, were appointed commissioners to do the work. The time allowed for completing the revision—to January 1, 1878—was too short. They began the work May 15, 1877, and reported it to the legislature of 1879. The task of revising the license law was allotted to Mr. Ames, so that he was the author of the Slocumb act which was passed substantially as he drafted it. The most important departures from preceding laws of its class consisted in giving licensing boards discretionary power to grant license "if deemed expedient," thus explicitly recognizing and establishing the local option principle, and the increase of the license fee which tended to greatly reduce the number of saloons. The Slocumb law required a minimum fee of \$500 except for cities with a population of over ten thousand in which the minimum is \$1,000; whereas the old law required a minimum fee of \$25 and a maximum of \$500 except for incorporated cities and towns which might require an additional sum of not more than \$1,000. By the Slocumb law there is no restraint as to the maximum amount of the fee which is left to the option of the several municipalities. Under the high minimum license it has been impracticable to es-

establish saloons outside of incorporated towns where they are under direct police surveillance. The high degree of adaptability of the law is illustrated by the fact that no important changes were ever made in it. In 1897 a law was passed giving incorporated villages and towns the right to direct popular local option. The only important addition to the Slocumb law is the act of the legislature of 1909 limiting the open hours of saloons from seven o'clock in the morning until eight o'clock in the evening.

The republican state convention for 1881 met at Lincoln, October 5th. It was called to order by James W. Dawes, chairman of the state committee. George H. Thummel of Hall county, was temporary and permanent chairman, and Datus C. Brooks, editor of the *Omaha Republican*, was chairman of the platform committee. Samuel Maxwell was nominated for judge of the supreme court on the first ballot, receiving 253½ votes, against 86½ for C. J. Dilworth, 39 for O. B. Hewitt, and 15 for Uriah Bruner. L. B. Fifield and Isaac Powers were nominated for regents of the State University, and James W. Dawes was chosen for chairman of the state committee, receiving 275 votes against 136 cast for Charles O. Whedon. Though this was the off year in national politics the platform wholly ignored state questions but eulogized Garfield and Arthur.

The democratic state convention for 1881 was held at Omaha, October 13th. William H. Munger of Dodge county was nominated for judge of the supreme court, and S. D. Brass of Adams and Dr. Alexander Bear of Madison for regents of the State University. The platform declared for free trade, honest money, economical and efficient administration of state and national affairs, and for the amendment of the so-called Slocumb law or else its unconditional repeal.

The ninth legislature convened in the tenth special session May 2, 1882. It finally adjourned May 24th, the thirteenth day.

Governor Nance, in his message to the legislature, stated that the session had been called for the purpose of apportioning the state into three congressional districts; to amend the

act of March 1, 1881, regulating the duties and powers of cities of the first class; to assign the county of Custer to some judicial district; to amend the law entitled "Cities of the second class and villages"; to provide for the payment of expenses incurred in suppressing the recent riots at Omaha and protecting the citizens of the state from domestic violence; to give the assent of the state to the provisions of the act of Congress to extend the northern boundary of the state of Nebraska; to provide for the expense of the special session. There was legislation upon all of these propositions.

The governor said that the act of Congress approved February 25, 1882, authorized the election of two additional representatives in Congress, to which the state was entitled under the census of 1880. He recited that on the 9th day of March he was officially notified by Mayor James E. Boyd, of Omaha, that a formidable riot was in progress in that city and he was requested by the mayor to furnish a military force to protect the people of Omaha from mob violence, the civil authorities being powerless. On the same day he received a telegram signed jointly by the mayor and sheriff of Douglas county alleging that the civil authorities were powerless to protect peaceful laborers and that United States troops were absolutely necessary to restore order. Another despatch of the same purport was signed by a large number of business men of Omaha. Thereupon the governor at once placed the Nebraska National Guards under orders to be held in readiness for duty, and he made a formal requisition upon the president of the United States for troops to aid in suppressing domestic violence. The president responded to the requisition of the governor and, on the morning of the 11th of March, a force of United States troops and state militia, numbering about 600 men, reached Omaha and were placed under the mayor's orders. On the arrival of the troops, laborers who had been compelled by an infuriated mob to abandon work, resumed it. "The rioters were overawed by the unexpected display of military force but were not subdued. For several days their riotous demonstrations con-

tinued and the troops, both state and national, were subjected to every form of insult and abuse. The final restoration without great loss of life was largely due to the forbearance of the soldiers under the most exasperating circumstances. Gradually the violence of the mob subsided and the troops, being no longer required, were withdrawn." The governor highly commended the soldierly conduct of the Nebraska National Guard which was under the command of General L. W. Colby. Moore of York offered a resolution declaring that it was dangerous to the peace and welfare of the state to establish the precedent of making appropriations to pay the expense of calling out troops without making careful inquiries as to its necessity and instructing the committee on ways and means to make careful inquiry as to the cause of the late labor riot in Omaha and the necessity of calling out troops to establish peace. The resolution was adopted. The committee on claims, to whom the resolution was referred, reported that the riot was of a dangerous character and required military interference. A communication from Mayor Boyd stated that in his opinion 500 policemen could not have protected men at their work and the result showed that 500 militia could scarcely more than maintain their ground, and unless the regular federal troops had been present there would have been a bloody collision between the rioters and the militia. In a communication to the committee, Governor Nance said that the mob had driven laboring men from their work on the Burlington & Missouri railroad grounds, severely injuring some of them, and laborers at the smelting works had been compelled to join the rioters. Many business men in the city were terrorized by threats of a boycott, and the city was in subjection to the will of the mob. The governor insisted that it was necessary to employ military force to stop lawless proceedings and to enforce the right of every individual to work.

The trouble centered in a strike for better wages by laborers on a large grading enterprise in the grounds of the Burlington & Missouri railroad company at Omaha, but it sympathetically extended to other industries. All

reasonably conducted attempts to improve labor conditions by methods of this kind are now regarded as legitimate, the vexatious question turning on the distinction between fair and unfair methods. It is significant that the Omaha papers excepting the *Bee*, the *Lincoln Journal*, and the state government were distinctly biased in favor of the railroad company, the *Bee* alone giving the other side a hearing. That the labor side was probably guilty of improper violence is another phase of this very grave and perplexing question.

The committee of the house appointed at the regular session to investigate charges of bribery and corruption, found that in regard to the charge against J. C. Roberts, member of the house from Butler county, there was a conflict of testimony, Lieutenant-Governor Carns testifying that during the sixteenth session, Roberts, who was chairman of the house committee on railroads, made demand upon him [Carns] for the sum of \$5,000 to procure his [Roberts's] influence upon the subject of railroad legislation. Roberts, on the other hand, testified that Carns approached him and offered him \$5,000 if he would use his influence as a member of the house to assist the railroad companies. The testimony of both men was partially corroborated, but the committee was unable to decide which of the two was telling the truth. The committee said that if the allegation of Carns was true, then Roberts was guilty of a criminal offense against the laws of the state, and that if the allegation of Roberts was true then Carns had been guilty of gross impropriety in neglecting to report the whole transaction to the house at the time of its occurrence and therefore deserved the censure of the house.

The testimony adduced was voluminous and tended to incriminate both the accused men as well as others incidentally. Franse of Cumming county, offered a resolution declaring that the charges against Roberts were not sustained. McShane of Douglas offered a substitute as follows:

WHEREAS, From said testimony it appears that Honorable E. C. Carns, Lieutenant Governor of the state of Nebraska, acted in the ca-

capacity of bearer of a proposition between the high contracting parties; and,

WHEREAS, Said J. C. Roberts, according to his own testimony, did not indignantly resent the said proposition and report to the house; therefore be it

RESOLVED, That the said Hon. E. C. Carns, Lieutenant Governor of Nebraska, and Hon. J. C. Roberts, member of the House of Repre-

sentatives, have merited the solemn censure of this House.

McShane's substitute was lost by a bare majority of 31 to 32. After many dilatory motions had been disposed of the report of the committee as amended by Franse, finding that the charges were not sustained, was agreed to.

CHAPTER XXIX

POLITICAL HISTORY 1882-1890—THE PERIOD OF MAINLY UNSUCCESSFUL ATTEMPTS TO PROCURE REFORM LEGISLATION CULMINATING IN THE POPULIST REVOLUTION—FIRST RAILROAD COMMISSION—THREE CENT PASSENGER RATE

AN anti-prohibition convention was held at Omaha, September 11, 1882. James Creighton of Omaha was president of the convention and C. A. Baldwin of Omaha, Peter Carberg of Lincoln, James Donnelly of Ashland, Gus Kirkow of Fremont, James E. North of Columbus, constituted the committee on resolutions. Letters were read from General Charles F. Mander-son and J. Sterling Morton expressing sympathy with the objects of the convention. A set of the old time, perfunctory resolutions were adopted, including a declaration that, "We will not support any man for any office who will not satisfactorily pledge himself to oppose any and all attempts to force upon the people a prohibitory law."

A greenback convention was held in Lincoln, September 7, 1882. Levi Todd of Cass county was chairman. The platform declared that class legislation had exempted from taxation a large amount of the wealth of the county in the hands of the rich; denounced national banks, including the well worn complaint that they drew double interest under the law; demanded that the government should issue all money, and that it should all be legal tender; that freight tariffs should be regulated by law; denounced the appropriation of public lands to private corporations; declared that all important offices should be filled by direct vote of the people; for equal pay for equal labor for both sexes; condemned the action of the last legislature for preventing the people from expressing themselves on the temperance question. L. C. Pace was chosen chairman of the central committee. A committee of thirty-five was ap-

pointed to meet at Hastings September 27th. This committee conferred with the antimopolist state convention, and the two parties united on a ticket and a platform. E. P. Ingersoll of Johnson county, president of the State Farmers' Alliance, was nominated for governor; D. B. Reynolds of Hamilton, for lieutenant-governor; Thomas J. Kirtley of Franklin, for secretary of state; Phelps D. Sturdevant of Fillmore, for state treasurer; John Beatty of Wheeler, for auditor; John Barnd of Buffalo, for attorney-general; J. J. Points of Douglas, superintendent of public instruction; Charles H. Madeley of Adams, commissioner of public lands and buildings; Thomas Bell of Otoe, regent. Dr. S. V. Moore of York county, and Moses K. Turner of Platte, were nominated for members of Congress in the second and third districts respectively. Jay Burrows and Edward Rosewater were members of the resolutions committee.

The Omaha *Bee* of September 29th was defiant against the corporation control of the republican party.

The republican state convention for 1882 was held at Omaha, September 20th. Nathan K. Griggs of Gage county was temporary and permanent chairman and Charles H. Gere was chairman of the committee on resolutions. The platform indulged only in glittering generalities, covering nothing specifically. On the first ballot to nominate a governor, James W. Dawes of Saline county received 121 votes; George W. E. Dorsey, 108; Samuel J. Alexander, 88; John B. Dinsmore, 48; Henry T. Clark, 22; W. J. Irwin, 18; Champion S. Chase, 9; Milton J. Hull, 5. Dawes was

nominated in a break-up on the third ballot, and Charles H. Gere for regent of the University. George W. E. Dorsey was chosen chairman of the state committee. There was an open break at this time against Senator Van Wyck by the regulars, including the *State Journal*. The prohibition convention met at Lincoln, September 13, 1882. Ex-Senator Thomas W. Tipton was a member of the committee on resolutions. They declared in favor of the submission of a prohibition amendment and against voting for any candidate of either party who did not favor it. The democratic state convention for 1882 was held at Omaha, September 14th. J. Sterling Morton was nominated for governor; Jesse F. Warner for lieutenant-governor; Charles J. Bowlby, secretary of state; Phelps D. Sturdevant, treasurer; James C. Crawford, attorney-general; Henry Grebe, commissioner of public lands and buildings; C. A. Speice, superintendent of public instruction; John M. Burks, regent of the State University. The platform denounced the issue of free passes to public officers and demanded legislation against it, and denounced railroad interference with political conventions.

The republican ticket was successful again as a matter of course. Dawes received 43,495 votes against 28,562 for J. Sterling Morton, although the latter ran about 2,000 votes ahead of the general ticket. Ingersoll, the antimonopoly candidate, received 16,991 votes, and Phelps D. Sturdevant, candidate for treasurer on the democratic and antimonopoly tickets, was elected, receiving 46,132 votes against 42,021 for Loren Clark, his republican opponent. It seems probable that a generally successful combination of progressives, such as that of 1894, might have been made, though perhaps the Omaha *Bee's* aggressive opposition to Clark caused his defeat. Successful insurgency then would have hastened reform and avoided the revolutionary radicalism caused by inconsistent delay. The woman suffrage amendment was defeated by a large majority, the vote being 25,756 for and 50,693 against. In the first congressional district, Archibald J. Weaver, republican, received 17,022 votes; John I. Redick, demo-

crat, 12,690; — Gilbert, antimonopolist, 3,707. In the second district, James Laird, republican, received 12,983; S. V. Moore, antimonopolist, 10,012; Harman, democrat, 3,060. In the third district, Edward K. Valentine, republican, 11,284; Moses K. Turner, antimonopolist, 7,342; William H. Munger, democrat, 9,932.

The tenth legislature convened in the eighteenth session and the eighth regular session, January 2, 1883, and finally adjourned February 26th, the forty-second day. Alfred N. Agee, lieutenant-governor, was president of the senate, and Alexander H. Conner of Buffalo county was temporary president. George M. Humphrey of Pawnee county was speaker of the house of representatives. The senate comprised fifteen republicans, eleven democrats, five antimonopolists, one greenback, one republican-antimonopolist. The house comprised fifty-two republicans, twenty-nine democrats, eleven antimonopolists, four republican-antimonopolists, one independent republican, two independents, one greenback-antimonopolist. This remarkable variation illustrated a somewhat blind rebellion against the old party allegiance which was to assume effective form seven years later.

On the first joint ballot for United States senator Charles F. Manderson received 6 votes; Alvin Saunders, 14; Alexander H. Conner, 6; J. Sterling Morton, 16; Joseph H. Millard, 13; John M. Thayer, 11; John C. Cowin, 10; J. H. Stickel, 9; Charles H. Brown, 7; James W. Savage, 5; James E. Boyd, 5. Cowin and Millard each commanded one of the two republican votes of Douglas county. Charles F. Manderson was elected on the seventeenth ballot, receiving 75 votes against 17 cast for James E. Boyd, democrat; 14 for J. Sterling Morton, democrat; 5 for Charles H. Brown, democrat; 20 for J. H. Stickel, antimonopolist. Stickel — of Thayer county — received all antimonopoly, greenback, and independent votes except five. The democrats who ought then to have been making hay, as the antimonopoly or progressive sun was just beginning to shine, by developing a consistent and persistent progressive policy, blind to the signs of the times,

gave their principal support to two strong, but ultra-conservative or reactionary men—J. Sterling Morton and James E. Boyd; and so permitted or forced the over-radical and unstable populists a few years later to reap the ripened progressive harvest which they themselves might have garnered. On the republican side Douglas county had the call from the first. In the seventeen successive assaults its four strongest aspirants killed off one another so that the weakest took the prize. In sixteen ballots Cowin, Millard, Saunders, and Thayer held remarkably uniform and nearly equal support, Millard slightly leading and Cowin slightly at the rear. Eight was Manderson's favorite figure and highest, until increased to ten on the next to the last ballot. In point of deportment, at least, he was the fittest among the republican rivals and at least their peer in ability. As to the political principles and social temperament, he was precisely antipodal to the rising spirit of democracy which already presented an almost formidable front and an ominous menace to the dominant bourbonism of both of the old parties. While Stickel was not the equal of his principal opponents in ability, he was either more conscientious or more socially sympathetic, or both, than any of them. Strong leaders are more often prompted by and led into progressive social movements than they are initiators of them.

Inasmuch as the east and west wings of the capitol were completed, the legislature authorized the board of public lands and buildings to take bids for razing and removing the old capitol from the grounds. The construction of the main part of the new capitol, according to plans already submitted by William H. Wilcox, at a cost not exceeding \$450,000, was authorized. The State Historical Society was recognized "as a state institution" and \$500 was appropriated for its maintenance. The counties of Brown, Cherry, Custer, Hayes, Wheeler, Sioux, and Loup were constituted. All voted in 1884, except Hayes, which followed in 1885. The old Ponca reserve—between the Niobrara and Missouri rivers west to the extension of the line between range 8 and range 9, west—was added to Knox coun-

ty, the act to take effect when the president should declare the Indian title extinguished and the voters of the county should accept the addition. An act was passed authorizing counties to adopt township organization by a majority vote. The number of judicial districts was increased from six—the number fixed by the constitution and not to be changed before 1880—to ten. The old third district, comprising Douglas, Sarpy, Washington, and Burt counties, was not changed. Five hundred dollars was appropriated toward erecting the monument to Abraham Lincoln at Springfield, Illinois, in place of the appropriation of 1869, which had not been drawn against because the monument was not yet completed. The sum of \$13,640.50 was appropriated to reimburse the Nebraska City National bank on account of a judgment "unjustly collected" by the state for a sum of money received by Acting Governor William H. James in behalf of the state and converted to his own use. Here the legislature arbitrarily and doubtless improperly overruled the court; now a common complaint is heard against the courts for overruling the legislatures, state and national. A grant of three thousand dollars was made to John W. Pearman for "military services," presumably in campaigning against Indians as a major in the Second regiment, Nebraska cavalry, in 1862. The appropriation was to be paid from a balance of \$7,077.55 remaining of the amount paid to the state by the United States for expenses incurred in repelling Indian hostilities. The sum of \$6,824.14 was appropriated toward the expense of prosecuting "I. P. Olive and others for murder, and William Lee for assault with intent to murder, and Tip Larue, John Kinney, and Henry Hargraves for murder." Joint resolutions were passed to amend section 4, article 3, of the constitution so as to fix the salary of each member of the legislature at \$300 for the full term of two years in place of \$3 a day, and increasing the length of the session from forty to sixty days; also to amend section 1, article 5, so as to provide for an elective board of railway commissioners; asking members of Congress from Nebraska to procure the passage of bills abolishing all

tolls on railroad bridges across the Missouri river, so that products might reach consumers as cheaply as possible; demanding such action by heads of departments or legislation by Congress as would compel railroad companies to take out patents on land grants so that they might be taxed; demanding settlement of the "Kneeval's Land Claims" against patentee settlers. The claims arose through a grant to the St. Joseph & Denver railroad company and many had been rejected. Congress was urged to repeal the duty on barbed wire for fencing and the material from which it was made. The request passed the house by a vote of 65 to 2—and the two were farmers. The vote in the senate for free trade was 28 to 2. That these two farmers and the other two direct dependents upon farming in Nebraska should have voted to continue the enforced payment by the people of Nebraska of an enormous gratuity to the manufacturers of this necessity of Nebraska life, will now seem strange to almost all Nebraskans alike, who have come to resent the payment of such bounties to any manufacturer whatever.

Governor Nance, in his message, made the statement that the railroad commission system had been adopted in about twenty states. He referred especially to the progress in regulation of railroads in the states of Illinois and Iowa. It appeared from the report of the commissioners of Illinois for 1881 that "the right to fix reasonable maximum rates for the transportation of freight and passengers by railroads, either by direct statutes or by officers created by law, is no longer seriously questioned." But these hints, even, were incongruous and premature.

A bill to create a board of railroad commissioners passed the house by a vote of 62 to 31. The senate refused to take it from the general file by a vote of 12 to 12. The act provided that three of the executive officers of the state should be commissioners, but they should employ secretaries to do the actual work. The commissioners were authorized to fix maximum freight rates. Lyman H. Tower, a democrat and banker at Hastings, made a minority report which included all the now familiar archaisms against the constitutional-

ity of the bill. Four bills prohibiting the use of free railroad passes were introduced in the senate and two in the house. Four of these six bills sought to confine the prohibition to officeholders. Five bills for the regulation of rates were introduced into the senate and fourteen into the house. One of these was aimed at sleeping car rates. In addition, a bill defining the liabilities of common carriers, three memorials to Congress affecting railroads, and one to Colorado and another to Kansas, seeking coöperation in procuring railroad reform, were introduced. All this heroic endeavor resulted in the passage of only three memorials to Congress.

According to the message, the bids for the east wing of the capitol were submitted July 12, 1881, as follows: Butler and Krone, \$98,490; Robert D. Silver, \$86,400; W. H. B. Stout, \$96,800. The total cost of the west wing was \$83,178.81; of the east wing, \$108,247.92. That the contract was let to Stout—in July, 1881—though far from the lowest bidder, was a matter of course and is explicable only on the ground of corrupt political preference. The west wing was begun in 1879 and finished by the close of 1881. The east wing was accepted by the board of public lands and buildings, December 1, 1882.

The republican state convention for 1883 was held at Lincoln September 26th. Church Howe was both temporary and permanent chairman. Manoah B. Reese was nominated for judge of the supreme court on the ninth ballot; Francis G. Hamer was his principal opponent. Hascall of Douglas county announced at the beginning of the balloting that Lake was not a candidate for renomination unless it should occur that the convention could not agree upon any of the candidates who had been presented. This string of Lake's pulled out mischief for Hamer. On the first ballot Reese had 83 votes, Hamer 97, Edwin F. Warren, of Nebraska City, 79. The third ballot gave Hamer 121, Reese, 92, Warren, 80; the sixth, Hamer 142½, Reese, 103½; Warren, 103. On the ninth ballot, it being apparent that Lake had absorbed Warren's strength, Hamer turned the delegates of his own county to Reese, whereupon a stampede

followed and Reese's nomination was made unanimous. Milton J. Hull of Clay county and John T. Mallaiou of Buffalo, were nominated for regents of the University for the long term, and for the short term, Jesse M. Hiatt of Harlan county and Edward P. Holmes of Pierce, in place of Isaac Powers and L. B. Fifield, who had resigned.

The platform favored a constitutional amendment providing for a railroad and telegraph commission without stating the method of choosing it; demanded that all railroad land grants not strictly earned be forfeited; declared that public lands must not be monopolized for cattle ranges, but left open for settlers; for a tariff so adjusted as to favor and protect domestic industries and encourage immigration of laborers to perform the services we need on our own soil, paying tribute to our own government, rather than the importation of products of labor that is tributary to a foreign and perhaps hostile government. This tariff plank probably stands unique among creations of its kind. George W. E. Dorsey was continued as chairman of the state committee.

The democratic convention for 1883 was held at Omaha August 29th. James W. Savage was nominated for judge of the supreme court; James M. Woolworth of Douglas and E. R. Daniels of Madison, regents for the long term. The platform was characteristically J. Sterling Morton's. It declared that all tariff taxes except to support the government "ought to be utterly abolished"; approved the regulation of the sale of intoxicating drinks in the interest of good order, "but the prohibition of the manufacture and sale of such drinks within the state is contrary to the fundamental rights of the individual and to the fundamental principles of social and moral conduct." Such interference would be neutralized by interstate commerce sanctioned by the United States constitution. The platform declared further: "Democrats of Nebraska denounce all railroads within the state which elect or attempt to elect, influence or attempt to influence delegates to political conventions, members of the legislature and senators or members of Congress. . . We assert the

right of the legislature to control the railroads but we deny the right of railroads to control the legislature. We demand the enactment of a law which shall, under severe penalties, forbid the issuance of passes or free transportation of any kind whatsoever by any railroad in Nebraska to any person holding either an elective or appointive office or any other official position under the constitution or laws." It commended Sturdevant, the democratic treasurer, for voting to let the capitol contract to the lowest instead of the highest bidder and condemned letting it to Stout, because his leased convict labor competed with free, honest labor. The bid of Robert D. Silver, a responsible builder, was \$41,187.25 under Stout's.

Judge Savage, with the support of the democrats and antimonopolists and of the *Omaha Bee*, received 47,795 votes against 52,305 cast for Reese. The republican regents were elected by far larger majorities.

The first republican convention of 1884, held at Lincoln May 1st, was called to order by George W. E. Dorsey, chairman of the state committee, and Edward K. Valentine of Cuming county was temporary chairman and Ray Nye of Dodge, temporary secretary. The temporary organization was made permanent. John M. Thurston of Douglas county; Nathan S. Harwood, Lancaster; John Jensen, Fillmore; George A. Brooks, Knox, were elected delegates at large to the national convention — Thurston by acclamation. George W. Post of York county was chairman of the platform committee. The resolutions declared for a tariff so adjusted as to encourage home industries without being burdensome to the people and denounced attempts of the democratic house of representatives to make indiscriminate reductions. The resolutions were characteristically lacking in specific statement and state questions were ignored. A motion to declare a preference for James G. Blaine as a candidate for president was tabled by a vote of 220 to 207. The *Omaha Republican* was the only prominent newspaper in the state that stood for Blaine instructions.

The democratic convention for choosing delegates to the national convention of 1884

was held at Lincoln May 22d. John McManigal of Lancaster county called the convention to order, but, in the great confusion which arose in choosing between Miles Zentmeyer of Colfax county and Beach I. Hinman of Lincoln county, for temporary chairman of the convention, McManigal lost control and Andrew J. Poppleton of Omaha was obliged to mount a chair in the midst of the assembly and restore order. Zentmeyer represented the Miller-Boyd faction and Hinman the Morton faction. McManigal decided that Zentmeyer was elected by the first vote, taken *viva voce*. Hinman was elected by a vote of 182 to 96. Poppleton was chairman of the committee on resolutions which demanded vigorous frugality in every department of the government, a tariff limited to the production of necessary revenues and to bear upon articles of luxury and prevent unequal burdens upon labor; and they declared that a fundamental change in the policy of federal administration was imperative. If united, the party would reelect Samuel J. Tilden and Thomas A. Hendricks. The platform ignored state issues. The four delegates at large were elected by the following vote: James E. Boyd, 259; J. Sterling Morton, 241; W. H. Munger, 179; Tobias Castor, 141. James E. North received 103 votes and George W. Johnston, 114. Delegates from the first district elected George P. Marvin and John A. Creighton as delegates to the national convention; second district, Robert A. Batty, A. J. Rittenhouse; third district, Patrick Fahy, John G. Higgins. There was sharp division between the two factions, Morton's home delegates — from Otoe county — refusing to vote for Boyd and Boyd returning the compliment. The majority of the delegates were hostile to Morton, as they were again in 1888, when they shut him out from his usual place as a member of the platform committee in the national convention.

The republican state convention was held at Omaha August 27th, with Charles H. Gere chairman. There was opposition, amounting to "revolt," to the renomination of Dawes for governor, but it was easily overcome before the convention met — illustrating incidentally the prime advantage for boss rule of the con-

vention over its successor, the primary election plan. The platform declared that "we recognize as a prime necessity for the unification of our party in Nebraska . . . a statute regulating our railroads according to a fixed principle"; and it pointed with satisfaction to "efforts of our party" during the last meeting of the legislature to accomplish this result. This, however, was typical bourbon procrastination which, like French bourbonism before, waited until the inevitable reform came through the shock of inevitable political revolution. The platform commended the efforts of senators and representatives in Congress from Nebraska to secure immediate issue of patents to lands earned by railroads in the state under the national land grants, with the intent that they should be subject to taxation. There was no declaration about money.

The democratic state convention was held at Omaha September 11th, James E. Boyd, chairman. The convention united with the antimonomolist party in the distribution of the offices, candidates for secretary of state, attorney-general, treasurer, and two presidential electors being conceded to the democrats and the rest to their partners. J. Sterling Morton was for the third time nominated for governor. This unequal yoking together of factions, to each other so notoriously unbelievers, returned to plague Morton when he assailed democratic and populist fusion "on principle" in 1894.

Dawes received 72,835 votes; Morton, 57,634; James G. Miller, prohibition, 3,075. The republican candidates for the offices of district attorney were elected in all of the ten judicial districts. Among all the monopolies the republican party monopoly was still supreme. The legislative amendment to the constitution was approved by a vote of 51,959 to 17,766. The executive amendment — for establishing a railroad commission — was defeated by a vote of 22,297 to 44,488. The contrast between the treatment of these two amendments illustrates the still backward state of interest and intelligence touching the railroad question. The proposition for a railroad commission was at least equally as important as that to extend the session of the legislature. Both amendments lacked a constitutional majority. The

republican candidates for presidential electors received 76,912 votes; the democratic candidates, 54,391; prohibition, 2,889.

The progressive forces united in all of the three congressional districts and by nominating progressive men gained a moral victory. In the first district Weaver, republican, held his place only by the slender margin of 22,644 votes over 21,669 for Charles H. Brown of Omaha. In the second district James Laird's prestige was crippled and the standard majority alarmingly reduced by John H. Stickel's great vote of 17,650 to 21,182 for Laird; and in the third district George W. E. Dorsey was maimed for life by the vote of 20,671 cast for William Neville of North Platte, to 25,985 for himself.

The eleventh legislature convened in the ninth regular session January 6, 1885. It finally adjourned March 5th, the forty-third day of the session. Lieutenant-Governor Shedd was president of the senate and Church Howe temporary president. The senate comprised twenty-five republicans and eight democrats; the house of representatives, seventy-nine republicans, twenty democrats, and one independent — William A. Poynter, afterward governor of the state. Allen W. Field of Lancaster county was speaker of this body. The governor's message disclosed that the indebtedness of the state was \$499,267.35 — \$449,267.35 in the form of funding bonds due April 1, 1897, and \$50,000 in grasshopper relief bonds due March 1, 1885. It appears from the message that the number of students at the State University during the last term was 282 — at the newly established college of medicine, 54; that a contract had been let to W. H. B. Stout for the erection of the main building of the capitol for the consideration of \$439,187.25; that a draft for \$500, representing the appropriation by the last legislature toward the Lincoln monument fund, had been sent to Springfield; that in September, 1883, \$11,746.67 was received on account of the five per cent sale of federal lands in Nebraska; in June, 1884, \$17,495.95, five per cent of the proceeds of the sale of the Pawnee reservation; in November, 1884, \$485 on account of expenses incurred in suppressing In-

dian hostilities. In September, 1882, \$6,-275.89 had been received from Pawnee sales, making a total of \$23,770.42. A bill passed both houses of the legislature of 1883 appropriating a half of the sum of \$6,275.89 to Thomas P. Kennard, as a fee for collecting the same under an alleged agreement with Governor Furnas; but it failed to become a law because the officers of the two houses neglected to sign it.

The republican state convention for 1885 was held in Lincoln October 14th. Lorenzo Crouse pressed the election of John M. Thayer for temporary chairman of the convention; but Thayer insisted that he did not desire the office, and Monroe L. Hayward of Otoe county was chosen over him by a vote of 318 to 143. Hayward was retained as permanent chairman. Amasa Cobb was renominated for judge of the supreme court without opposition and Charles H. Gere of Lancaster and Leavitt Burnham of Douglas, were nominated for regents of the University by acclamation. James L. Caldwell of Lancaster was chairman of the committee on resolutions, which were devoted to national questions, except the single declaration that if the act of the last legislature creating a railroad commission with advisory powers for regulation should be found inadequate, then the party stood pledged to sufficiently amend it. A resolution for a prohibition amendment which was innocently introduced was "rejected by an overwhelming vote." A resolution declaring that the tariff on imports ought to be reduced, temerarily introduced by Dominic G. Courtney, "was voted down enthusiastically," in the *State Journal's* parlance.

The democratic convention was held in Lincoln October 15th. In the struggle between the Morton and Miller factions, now become chronic and acute, Albert W. Crites of Cass county and of the Miller clan, was elected chairman over Alfred W. Hazlett of Gage, by a vote of 230 to 148. Thomas O'Day of Antelope county introduced a resolution declaring that every democrat had a right to apply for an office and the state committee had no right to dictate or control federal appointments. This was intended as a knock-out for

Morton, who was chairman of the state committee and who had been accused of using his official influence in procuring offices for his friends. But Morton executed a great coup by himself seconding the resolution.

The republican state convention for 1886 was held at Lincoln September 29th. James Laird of Adams county was temporary chairman and Archibald J. Weaver of Richardson, permanent chairman. On the informal ballot for governor, John M. Thayer received 306 votes; H. T. Clarke, 123; J. B. Dinsmore, 37; Leander Gerrard, 27; John H. MacColl, 47; Thomas Appleget, 13. After this ballot John M. Thurston withdrew the name of Clarke, and Thayer was nominated by acclamation. There had been a general movement in favor of Thayer's nomination, partially due to the sympathy and the friendship of the old soldier element and in part due to the partiality of the corporations for Thayer, who was known to be at least innocuous.

The platform avoided state issues and was a studied and specious condemnation of the democratic national administration. A minority report by Charles H. Van Wyck, condemning the state railroad commission and demanding its abolition, was rejected by a majority of over a hundred and fifty. A resolution condemning the commission, offered by Edward Rosewater, was safely referred to the committee of which Charles H. Gere was chairman. The then usual plank in praise of Irish home rule, Gladstone, and Parnell was inserted in the platform. A resolution favoring the submission to the people of an amendment to the constitution prohibiting the manufacture, sale, or importation of spirituous, malt, or vinous liquors was adopted, after a very hot debate, by a vote of 341 to 189.

The democratic convention was held at Hastings October 7th. It was called to order by James E. North, chairman of the state committee. General Milton M. Montgomery of Lancaster county was temporary chairman and Frank Martin of Richardson, permanent chairman. The convention was completely in the hands of the Boyd-Miller faction. G. E. Pritchett of Douglas county was chairman of the committee on resolutions which denounced

prohibition and sumptuary laws; insisted that the next legislature should pass laws abolishing the present oppressive freight rates and unjust discrimination, and that Congress should give the interstate commerce commission such power as to "relieve the people of the agricultural states from the thralldom of railroad monopoly." The expression of sympathy for Gladstone, Parnell, and the Irish people in the struggle for home rule which was to be inserted in many subsequent platforms of both parties was begun in this one. James E. North, of Columbus, was nominated for governor by acclamation. There was a factional fight in the convention over the manner of choosing a state committee and a mild obeisance to the Cleveland admonition against offensive partisanship in a letter sent by Stephen H. Calhoun. He had been appointed collector of internal revenue, and so, out of respect to the president's views, he had refrained from attending the convention.

The twelfth legislature met in the tenth regular session January 4, 1887, and finally adjourned March 31st, the sixty-second day of the session. The senate comprised twenty-five republicans and eight democrats; the house, seventy-one republicans, twenty-eight democrats, and one independent. George D. Meiklejohn of Nance county was elected temporary president of the senate and N. V. Harlan of York was speaker of the house.

Governor Dawes stated in his message that the \$50,000 relief bonds which matured March 1, 1885, had been paid from the sinking fund, leaving a state indebtedness of \$449,267.35 in the form of twenty-year eight per cent bonds maturing April 1, 1897, and incurred before the restriction of the indebtedness to \$100,000 in the constitution of 1875. One hundred thousand dollars of the original amount of these bonds had been paid. The assessed value of the state in 1885 was \$133,418,699.83, an increase of \$9,802,812.98 since 1884. In 1886 it had increased to \$143,932,570.51. The rate of taxation for state purposes for 1885 was seven and twenty-nine fortieths mills and in 1886 seven and five-eighths mills on each dollar of valuation. A census was provided for in the act of Febru-

ary 9, 1885, which appropriated the sum of \$50,000 therefor. The work had been done under the superintendency of George B. Lane, the total cost being \$39,774.35, of which the federal government paid \$34,759.12 for prompt and accurate reports, leaving \$5,015.23 as the actual cost to the state. There is irony in the statement of the governor that, "The original returns of enumeration and other original reports have been deposited for safe keeping in the office of the secretary of state as required by law." These reports were subsequently burned by carelessness or otherwise, so that there is no record of their important data available except fragmentary statements in the newspapers.

The legislature authorized a recount of the vote on the legislative amendment to the constitution which resulted in counting it in. The counties of Arthur, Grant, McPherson, and Thomas were constituted. The act providing a charter for metropolitan cities, meaning Omaha, flouted the important principle of home rule by giving to the governor the appointment of four members of the fire and police board, the mayor being the fifth member, *ex officio*. The "Nebraska Industrial Home" was authorized, the government to be under trustees of the "Woman's Associate Charities of the State of Nebraska," and \$15,000 was appropriated for the site and buildings. A "Bureau of Labor, Census and Industrial Statistics" was established, the commissioner to receive a salary of \$1,500 a year. "An Asylum for the Incurable Insane of Nebraska" was established at Hastings on condition that not less than 160 acres of land should be donated for the purpose; and \$75,000 was appropriated for buildings. "The Nebraska State Board of Pharmacy" was established to consist of the attorney-general, secretary of state, auditor, treasurer, and commissioner of public lands and buildings. The office of the state inspector of oils was established, carrying a salary of \$2,000.

The act of 1885 fixing classified passenger rates at three cents, three and one-half cents, and four cents per mile was amended by establishing a general rate of three cents a mile. This was an important manifestation of a vital

public opinion touching railroad legislation. An act was passed abolishing the board of railroad commissioners and establishing a "board of transportation." The Hatch bill, a law of Congress which appropriated \$15,000 a year for carrying on experiment stations, was accepted on behalf of the State University; and the organization of the university battalion was styled "University Cadets."

The republican state convention for 1887 was held at Lincoln October 5th. Luther W. Osborn of Washington county was temporary chairman and George D. Meiklejohn of Nance county, permanent chairman. Judge Oliver P. Mason, in his characteristic vein, presented Samuel Maxwell for judge of the supreme court and he was nominated on the first ballot. Dr. B. B. Davis of Red Willow county and Dr. George Roberts of Knox, were nominated for regents of the University. H. C. Andrews of Buffalo county was chairman of the committee on resolutions. The platform expressed confidence in the existing board of transportation, but favored an elective commission. It declared that it was grossly unjust that Nebraska should pay higher rates of transportation than Iowa, Minnesota, and Dakota. There were no other declarations on state questions. The usual approval of the struggle for Irish home rule was expressed and Omaha was favored for the next republican national convention. A resolution introduced by Oliver P. Mason declaring that if the state supreme court should decide that the legislature had not conferred upon the board of transportation power to fix maximum freight charges the governor ought to call a special session for the purpose of doing so was debated fiercely until daylight when it was defeated by a vote of 280 to 244. A prohibition submission resolution was rejected also.

The democratic convention was held at Omaha October 11th. Miles Zentmeyer of Colfax county was temporary and permanent chairman. Thomas O'Day of Antelope county was nominated for judge of the supreme court and Fred L. Harris of Valley and J. M. Slicker of Hitchcock, regents of the University. The platform approved Cleveland's ad-

ministration; made a somewhat hazy declaration in favor of tariff reform; called for stringent legislation against railroad discrimination, demanding that "higher rates for freight and passengers must not be tolerated in Nebraska than are charged in other states similarly situated." As in the republican platform, there was a sympathetic declaration for Gladstone, Parnell, and Irish home rule. The last prison contract bill passed by the legislature was condemned, as also Governor Thayer for signing it. The platform was drafted by O'Day of the committee and George E. Pritchett of Omaha. The republican ticket was successful at the election. Maxwell received 86,725 votes; O'Day, 56,548; Joseph W. Edgerton, labor candidate, 2,653; E. S. Abbott, prohibitionist, 7,359. Republican candidates in the twelve judicial districts were all successful except two in the third — George W. Doane and Eleazer Wakeley, democrats, being elected.

The republican state convention for 1888 was held at Lincoln August 23d. Judge Aaron Wall of Sherman county was elected temporary chairman, receiving 395 votes against 273 cast for A. E. Cady of Howard county. The temporary organization was made permanent. Governor Thayer was renominated without opposition, and a resolution favoring the submission of a prohibition amendment to the constitution was carried by a vote of 378 to 197. Lucius D. Richards of Dodge county succeeded Meiklejohn as chairman of the state committee. The declarations of the platform were almost all devoted to national questions, among them a denunciation of capital organized in trusts — but it professed to approve the acts of the railway commission and promised to carry out the correction of all evils. The repeated approval of the railroad commission by republicans was self-stultifying because the general want of public confidence which was soon to result in its abolition was all along apparent. The democratic national administration was denounced "for its effort to destroy the bimetallic system of currency and restore the single gold standard for the sole benefit of importers and money lenders."

The democratic convention was held at Lincoln August 29th. Matt Miller of Butler county was temporary and permanent chairman. John A. McShane was nominated for governor by acclamation and was pressed into acceptance much against his own wishes. A large element of the convention preferred that he should become a candidate for Congress again. Andrew J. Sawyer of Lancaster county was chairman of the committee on resolutions. The platform declared that the state was overrun by a band of Pinkerton detectives who intimidated peaceful citizens; that republicans were responsible for this abuse and laws preventing it were demanded. The Mills tariff bill was approved, and Laird and Dorsey, members of Congress, were denounced for voting against free lumber and free salt. The regular Parnell and Gladstone plank was inserted. In the *Herald's* phrase, "The anti-prohibition plank elicited a roar of approval that made several republican auditors perceptibly shiver." The platform demanded reform of railroad rates; attacked the republican creature known as a "trust"; favored an elective railroad commission and arbitration of labor disputes. In the campaign the Omaha *Herald* made the most of the temporary lapse of the republicans to prohibition. It declared that "there are twenty-five thousand people in Nebraska driven here by the prohibition which threw a pall over the prosperity of Iowa. There are five thousand of these people in Omaha alone." These were of the thriftiest and most law-abiding class. "In the hope of catching the prohibition vote the republicans of Nebraska have consented to the exact course which was the initial step in Iowa. . . They think there is no danger that a sumptuary law will result, but there is." The vote for republican candidates for presidential electors was about 108,000; for democratic candidates about 80,500. John M. Thayer, republican candidate for governor, received 103,983; John A. McShane, democrat, 85,420; George E. Bigelow, prohibitionist, 9,511; and David Butler, labor candidate, 3,941.

The thirteenth legislature met in the eleventh regular session January 1, 1889, and

finally adjourned March 30th, the sixty-seventh day. The senate contained twenty-seven republicans and six democrats. Politics was nominally clean-cut in this legislature, there being no hybrid factions; but it was the result of a calm which preceded the storm soon to break. A diminishing number of democrats was ominous of the real alignment of 1890. George D. Meiklejohn, lieutenant-governor, was president of the senate, and Church Howe, temporary president. The house contained seventy-nine republicans, twenty democrats, and one union laborite. John C. Watson of Otoe county was speaker.

Governor Thayer, in his message, alluded to the opposition, expressed by Attorney-General Leese in his report, to the passage of the pending bill in Congress to extend the time for the payment of the debt of the Union Pacific railroad to the United States. The only fair method was to declare the company insolvent and sell the road, and the state of Nebraska should control it. The governor of course opposed this view in a long argument. He recommended the adoption of a constitutional amendment for an elective railroad commission, declaring that rates in Nebraska must be no higher than in Kansas, Iowa, and other states, and that the commission should have full power over the question of rates. He had appointed two democrats and two republicans as members of the Omaha fire and police commission. A great hue and cry had been raised against them by bad elements and the city council but they had given the city the best force and police government it had ever had. The supreme court had sustained the law. The counties of Box Butte, Grant, Perkins, Rock, and Thomas had been organized during the last two years. Banner, Deuel, Scott's Bluff, and Kimball would complete their organization by January 15th. The reactionary spirit of this legislature as well as the ominous fact that there was a strong minority in it determined upon effective railroad legislation, is illustrated by the tone of a resolution offered by Senator Isaac M. Raymond and its fate at the hands of the senate.

Laws were passed constituting Hooker and Thurston counties; changing the liquor license

law so as to give the board of fire and police commissioners of cities of the metropolitan class and an excise board in cities of the first class — more than 25,000 and less than 80,000 — power to grant licenses instead of "corporate authorities" under the old law; interpolating section 20, chapter 50, making the possession of liquors without license a presumption that they are kept to be sold against the law; and section 21 providing that at a hearing the magistrate might order the destruction of the liquors. Section 22 provided that after the defendant should be acquitted on a hearing the liquor should be returned to him, but if found guilty he should pay a fine and costs and a reasonable attorney's fee. Other laws were to compel trains to stop at crossings; for a bounty of one cent a pound for sugar manufactured in the state from beets, sorghum, or other sugar canes or plants grown within the state; taxing sleeping and dining cars used within the state but not owned by corporations within the state; appropriating \$5,000 for beautifying the capitol grounds, to be expended under a landscape gardener; constituting the first Monday in September a holiday known as "Labor Day." Three amendments to the constitution were submitted; one providing for the prohibition of the manufacture and sale of intoxicating liquor, another to increase the number of judges of the supreme court from three to five, and the third fixing the salary of the judges at \$3,500 and of district judges at \$3,000. Senate File 9, submitting an amendment providing for an elective board of railroad commissioners, and Senate File 238, for an appointed board, were merged, the merger — S. F. 238 — providing for three commissioners to be appointed by the governor and confirmed by the senate, for a term of two years. It passed the senate by a vote of 28 to 1, but it got no farther than the second reading in the house, where it was indefinitely postponed with all senate files on the last day of the session.

The prohibition amendment was as follows: "The manufacture, sale and keeping for sale of intoxicating liquors as a beverage are forever prohibited in this state, and the legislature shall provide by law for the enforcement

of this provision." It passed the senate by a vote of 21 to 11, and the house by 60 to 38. Thus democrats were solidly on the negative side and republicans were seriously divided — which portended defeat. Cady offered an additional proposition as follows: "The manufacture and sale and keeping for sale of intoxicating liquors as a beverage shall be licensed and regulated by law." This was carried by a vote of 58 to 40; and in the senate by 23 to 10; substantially the same members who had voted for the original proposition sustaining it. Whichever part of the dual amendment might be adopted would be section 27, article I of the constitution.

Charles F. Manderson was elected United States senator on the first separate ballot, receiving 76 votes in the house against 21 for John A. McShane and one for J. Sterling Morton; and 27 in the senate against 6 for McShane.

The republican convention for 1889 was held at Hastings October 8th. J. W. Bixler of Lincoln county was temporary and permanent chairman. The question whether instructions of a county convention that its delegates should fill vacancies should overrule a proxy — shutting out Patrick O. Hawes of Douglas — raised pandemonium in which Bixler collapsed, Church Howe taking his place. T. L. Norval of Seward county was nominated for judge of the supreme court over Manoah B. Reese by a vote of 545 to 269. Charles H. Morrill of Polk and J. L. H. Knight of Custer, were nominated for

regents of the University. Lucius D. Richards was retained as chairman of the state committee. The platform contained no reference to state issues and was composed of glittering generalities referring to corporations.

The democratic convention was held at Omaha October 15th. Andrew J. Poppleton was temporary and permanent chairman. John H. Ames of Lancaster county was nominated for judge of the supreme court and W. S. McKenna of Adams and E. W. Hess of Platte, for regents. Dr. Luther J. Abbott of Fremont unjustly attacked Senator Manderson for drawing a pension and yet being able to get a nice insurance policy from a leading company. J. Sterling Morton was chairman of the platform committee and William J. Bryan was also a member of it. The resolutions denounced the protective policy of the republican party as hostile to the interests of a purely agricultural commonwealth; protested against appropriations to irrigate desert lands, there being already enough arable land to glut the home market for nearly all farm products; denounced the sugar bounty law of the last session of the legislature; declared that there should be no substitution of land or money for private corporations and declared that a well regulated license law was the best solution of the liquor question.

A union labor convention endorsed John H. Ames, democratic candidate, for judge of the supreme court, and nominated William Blakely and Omer M. Kem for regents of the University.

CHAPTER XXX

THE POPULIST REVOLUTION — THE STRANGLER STATE ELECTION CONTEST OF 1890-1891 — DEFEAT OF THE PROHIBITION AMENDMENT — POLITICAL CONVENTIONS AND ELECTIONS, 1890 TO 1892 — LEGISLATURES OF 1891 AND 1893 — ELECTION OF WILLIAM V. ALLEN, POPULIST, FOR UNITED STATES SENATOR — IMPEACHMENT OF STATE OFFICERS

THE populist revolution broke out with great force in 1890. The *Alliance*, a weekly paper published in Lincoln and the organ of the new movement, printed a manifesto signed by J. M. Thompson, secretary of the State Alliance, and also signed by the secretary of the State Assembly of the Knights of Labor, urging preliminary arrangements for the calling of a convention and for fixing the ratio of representation.

On the 28th of June, 1890, John H. Powers, president, and J. M. Thompson, secretary, and Jay Burrows, chairman of the state executive committee, issued a statement that "originally a call was issued by the Alliance men of several counties for a distinctively Alliance convention. This not being thought in accordance with the constitution and it being feared that such a convention might disrupt the Alliance, its promoters thought it best to withdraw their call, and a declaration of principles and petition for the People's Independent convention was sent out." The new manifesto stated that "while the state Alliance is not a political party, its objects are political reform." It stated that the Alliance had 70,000 members in Nebraska, and that 20,000 men had pledged themselves to support the ticket.

The *Alliance* of July 12th pointed out that the *Omaha Republican* had suddenly flopped to prohibition; so that between that organ and the *Bee*, which was violently opposed to prohibition, voters might be caught coming and going. The railroads were straining every

nerve to make prohibition the main issue to divert attention from themselves. In the same issue was published a set of typical resolutions adopted by the South Platte Alliance. They demanded the immediate restoration of silver to its legal tender function and its free and unlimited coinage; government ownership of railroads to be operated at actual cost for the benefit of the people; endorsed the proposal of Senator Stanford to loan money on real estate at one per cent or two per cent per annum; declared that the government should issue paper money direct to the people; pledged themselves to support for any legislative or congressional office only members of their order and whose record showed them faithful to the cause of labor; demanded that transportation rates be immediately reduced to correspond with Iowa rates; favoured the adoption of the Australian ballot and the prohibition amendment; and declared that under the existing license system farmers were taxed to support the cities. This last complaint was loudly repeated in the county option campaign of 1910; but it could not bear logical analysis.

The people's independent congressional convention for the third district was made up of one delegate for every twenty members or major fraction of the Alliance, Knights of Labor assemblies, trades unions, and labor clubs, every organization or sub-organization of such classes being entitled to at least one delegate. The call for the Lancaster county convention specified the representation from

every precinct, but it had been calculated on the strength of the farmers', trades, and labor organizations. The president and secretary of the Beulah Alliance stated that J. F. Dietz, an extensive dealer in lumber, had tried to stop Alliance agents at Clarks from buying it at wholesale rates and he appealed to the Nebraska Lumber Dealers' Association for protection. The independent convention of Fillmore county declared that license moneys should go to counties instead of cities or towns; that all property should be assessed at its full value and that the mortgage or note indebtedness should be subtracted from the assessed value. The *Alliance* of July 26th advised, as a matter of policy, against inserting a prohibition plank in the state platform; and thus early the imperious and doughty, but faithful editor — Burrows — was obliged to castigate Craddock for recreancy in making a row about unfair apportionment in the call for the convention, though he had joined Burrows in signing it.

The people's independent state convention met at Lincoln July 29, 1890. It was called to order by John H. Powers of Hitchcock county, president of the State Farmers' Alliance. Allen Root of Douglas county was temporary and permanent chairman, and Charles M. Mayberry of Pawnee was temporary and permanent secretary of the convention. John H. Powers was nominated for governor; William H. Dech of Saunders, lieutenant-governor; Charles M. Mayberry, Pawnee, secretary of state; Jacob V. Wolfe, Lancaster, treasurer; Joseph W. Edgerton, Douglas, attorney-general; John Batic, Wheeler, auditor; W. F. Wright, Nemaha, commissioner of public lands and buildings; A. D'Allemand, Furnas, superintendent of public instruction. Charles H. Van Wyck was the principal competitor of Powers for the governorship, receiving 390 votes to 474 for Powers. At the close of the state convention Van Wyck was nominated unanimously for candidate for Congress in the first district, but he declined the secondary honor.

The platform declared that our financial system should be reformed by the restoration of silver to its old time place in our currency

and its free and unlimited coinage on an equality with gold, and by increasing money circulation until it reaches the sum of \$50 per capita. All paper issues necessary to secure that amount should be made by the government alone and be full legal tender. Land monopolies should be stopped either by limitation of ownership or graduated taxation. Public ownership and operation of railroads and telegraphs and the reduction of freight rates in Nebraska to the Iowa level; reform of the tariff; eight hours a day for labor except in agriculture, and the Australian ballot were demanded. The temperance question was judiciously dodged in accordance with the admonition of the party organ, which held that it was not a practicable issue at that time.

Prompted partly by fear of the populist uprising and partly by an independent reform spirit, a group of republicans assembled at the Capital Hotel in Lincoln on the 27th of March to consider ways and means of action. A committee, consisting of Daniel M. Nettleton of Clay county, Charles K. Keckley of York, William Leese (attorney-general) of Lancaster, J. R. Sutherland of Burt, and J. R. Ballard of Fillmore, reported an address which asseverated that "the time has come when an earnest protest should be made against the domination of corporate power in the republican party" and, in support of this bold avowal, that in the convention of 1889 "the railroad managers, by the aid of 286 proxies, made good their threat and defeated Judge Reese for renomination as a judge of the supreme court, and the treasurer of the Burlington & Missouri railroad company and the railroad attorneys, division superintendents, roadmasters and section bosses, by passes and other means, induced many county delegations to violate the instructions of their county conventions in favor of Judge Reese"; that "a part of the earnings of the railroads are being used to subsidize the public press"; and that there were many more outrages of the sort well known to the people of the state. The address called a mass convention to meet in Lincoln on the 20th of May. The convention duly assembled and seventy republicans signed a test of good faith.

The resolutions adopted by the convention viewed "with alarm the intense discontent among republican voters of the state, chiefly due to the mischievous and demoralizing interference of corporations," and demanded that they should go out of politics; denounced railroad passes distributed for political purposes as a species of bribery and demanded their prohibition under severe penalties; demanded the enactment of a maximum railroad rate bill, inasmuch as the state board of transportation had failed to exercise the authority vested in it; the national convention of 1888 having pledged the republican party to a reduction of import duties, "as republicans we request our delegates in congress to oppose the McKinley bill in its present form." The last resolution provided for a committee of fifteen to draft an address and to urge the republican state committee to fix the date of the state convention not later than July 8th and from which proxies should be excluded. The call for the convention yielded to the anti-proxy demand, but conserved its dignity by fixing the date of the convention at July 23d, thus disregarding the letter but yielding to the spirit of the specific demand for an early convention. Mr. Richards, chairman of the state committee, was also to be the convention's nominee for governor. In the meantime the insurgent committee of fifteen had attended a meeting of the regular state committee where differences were formally adjusted.

On the 24th of May Governor Thayer created great consternation in the republican party and general disapproval by issuing a call for an extra session of the legislature to convene on the 5th of June. The objects of the session were to pass a maximum railroad rate law and abolish the board of transportation, to adopt the Australian ballot, and to consider and give expression in favor of an increase in the volume of currency and of the free coinage of silver. It was rather vociferously alleged in some quarters that this surprising coup was due to Church Howe's cunning and his influence over the governor exercised with some ulterior personal motive. But the blame — for the move was generally condemned — was probably placed at Howe's door because,

on general principles, that was at least an appropriate or natural place for it. The governor had shown symptoms of senility before he was fixed upon for his office, and it is not improbable that this condition was an important, if not the governing test of eligibility applied by the astute party managers. The prevalent political disquietude excited in him a childlike desire to make a master stroke; and it would be a natural impulse or part of the game to keep his project a secret until it was suddenly sprung. As a sensation-monger the call must have fully met the governor's fondest expectations; but a prompt and positive outburst of public disapproval, and especially from men and interests whom he could not disregard, obscured his brilliant rocket in its upward flight and forced from him a recall before the end of a week which brought it down truly like a stick. The miscarriage did not, however, change the governor's status; for the public saw that he had merely slipped his leading strings. The question was derisively asked by the opposition why the legislature, which so lately had conspicuously refused to enact the proposed laws in a regular session, could be expected to pass them in a special session. The governor chose to assign as reasons for his act of revocation, which was issued May 31st, that many members had become disqualified and that several vacancies had actually occurred which, according to the statute, would have to be filled by special elections before a special session could be lawfully held. The *Omaha Republican* insisted that the party could not properly be blamed for the governor's "exhibition of puerility," and more than hinted that he had not given the real reasons for the recall which ought not to have been issued. The *Bee* feared that the governor had made a very serious mistake; but it commended his wisdom in rectifying the mistake, alleging that public sentiment was "overwhelmingly opposed to an extra session." It declared that "the jubilation exhibited by the leading democratic organ over the prospect of a costly legislative fizzle and its frantic effort to counteract the sentiment in favor of revocation was in itself a very tangible reason for the governor's action." This journal did

not oppose the proposal of the call that the legislature should urge Congress to provide more money and for free coinage of silver or for the enactment of a maximum freight rate law, but it contended that, confronted with full local and national tickets and three amendments to the constitution, voters ought not to be further puzzled by a new imported ballot.

The republican state convention was held at Lincoln July 23d. Lucius D. Richards of Dodge county was nominated for governor on the third formal ballot, receiving 447 votes against 219 for John H. MacColl of Dawson county, and 143 for Dr. Samuel D. Mercer of Douglas. On the informal ballot John M. Thayer received 139 votes; Manoah B. Reese, 29; Thomas J. Majors, 41; Samuel D. Mercer, 47. Charles E. Magoon of Lancaster county was chairman of the committee on resolutions. The railroad plank in demanding a reduction of freight and passenger rates to correspond with rates now prevailing in adjacent states in the Mississippi valley, thereby virtually repudiating its innocuous commission policy, indicated an awakening to real conditions in the old party. But it preserved its fatuous bourbonism in the tabling, by a vote of 486 to 330, of a resolution declaring that the state board of transportation had ignored the just demands of the people for relief from extortion and demanding their censure. The old party did leap forward to demand the Australian ballot and the abolition of free passes by proper legislation. On the money question it inclined its ear to a rapidly growing popular sentiment in the state rather than to sound, long-run financial principles by demanding that efforts to fully remonetize silver should be continued until it was put upon a perfect equality with gold as a money metal. The tariff plank was inane. A vitalized offering by Edward Rosewater, which demanded a free list, including lumber, sugar, wool, woollen goods in common use, salt, coal, and iron was, according to the report of the *State Journal*, "overwhelmingly rejected." A resolution favoring the prohibition amendment, the submission of which the preceding convention had favored, was sidetracked in the committee. In the complication of issues

it may not be dogmatically asserted that this timid hesitancy was fatal to the fortunes of Mr. Richards in the election; but it is probably true. Though, according to opposing newspapers, including the *Bee*, he was "a railroad man," he was of larger parts than the average governor of Nebraska.

The democratic convention was held at Omaha August 14th, and William G. Hastings of Saline county was its temporary and permanent chairman. James E. Boyd was nominated for governor on the first ballot, receiving 440 votes to 109 for John E. Shervin of Dodge county, a strong "Morton man." The platform was mainly devoted to national questions. It declared for free coinage of silver on its former footing with gold; against sumptuary legislation—but inconsistently approved high license; taunted the republicans for dodging the prohibition issue in its late convention after having brought about its submission; declared for the election of United States senators by the people and for the Australian ballot; and denounced the maintenance of a state militia and demanded its abolition.

The campaign was signalized and, needless to say, enlivened by the nomination of William J. Bryan for member of Congress in the first district. The congressional convention was held at Lincoln July 30th and Mr. Bryan was nominated on the first formal ballot, receiving 137 votes to 21 for M. V. Gannon of Douglas county. Mr. Bryan's platform declared for the "free coinage of silver on equal terms with gold," and for the election of United States senators by the people. Gilbert L. Laws was elbowed out of the nomination for the long term in the second district, owing largely if not mainly to the persistent opposition of the Omaha *Bee*, which was an ardent supporter of Harlan of York. The *Bee* strenuously appealed to Nebraska farmers to keep out of the independent movement, which it declared was only a conspiracy of ambitious politicians against the old party. In its issue of October 20, 1890, it published an impassioned letter from General Van Wyck, addressed to George W. Blake, chairman, and C. H. Pirtle, secretary of the people's independent state commit-

tee. They had sent out a letter saying that "it having been evident that Mr. Van Wyck has turned squarely against the independent movement, we recommend that he be not invited to address independent meetings nor given any opportunity to use his unfriendly influence." In his reply, General Van Wyck attacked Burrows as a malicious dictator and charged that a shameful gerrymander had been made in the southwest counties in the interest of Powers and the rest of the cabal. He also pointed out that he himself was the first to declare for independent action by the Alliance and that Burrows was driven into it only after the people had held county and congressional conventions. In its next issue the *Bee* defends and applauds Van Wyck. Owing to the "state of his health, the demands of official duties and the condition of his private affairs" Senator Paddock was unable to personally participate in the campaign, but confined his activities to correspondence. His pronunciamento was especially untimely — characteristically slipshod and evasive.

The virgin campaign of the populists disclosed a fresh phase of American political temperament. It was a composite of Hugo's pictures of the French Revolution and a western religious revival. The popular emotion more nearly approached obsession than it had theretofore seemed possible for the American temperament to permit it to do. The public meetings, while less sanguinary, were in temper reminders of those of the great Revolution. "These unequal events, seriously threatening all benefits at once, outburst of mad progress, boundless and unintelligible improvement." There was among them a French, rather than an American comradeship. "They no longer said gentleman and lady, but citizen and citizenship." The sudden attitude of scornful irreverence toward the old "God and Morality" party, till then held sacred, was startling. "They danced in ruined cloisters with church lamps on the altar . . . ; they tilled the public gardens; they ploughed up the gardens of the Tuileries. . . . Playing cards too were in a state of revolution. Kings were replaced by genii; Queens by the Goddess of Liberty; Knives by Equality personified; and aces by

characters representing law." To express and stimulate their spirit the French populists had "liberty caps"; the American, a "liberty building." Their great political gatherings had the air and ardor of old-time camp meetings. Their favorite orators spoke with religious unction, sometimes supplemented by the laying on of hands. At a Wymore mass meeting in September there were ten hundred and fifteen teams in line "by actual count," and nine thousand people; at Hastings the same week, sixteen hundred teams and twelve thousand people. A demonstration in Lincoln, the enemy's country, in crowds and pageantry rivaled a circus parade and in enthusiasm a Bryan homecoming. Though the temper of the movement was overheated and the public speeches were more or less irrational and visionary, yet, as a whole and in general, it was not ill-tempered; it knew what it wanted and went to the mark; and within twenty years its demands — except as to the money policy — were substantially complied with so far as the forms of law could grant them. Relative to conditions, the populist revolution was as fruitful as its French prototype.

The *Bee's* efforts in the campaign were devoted more to defeating the prohibition amendment than to any other question. The elections were all but a clean sweep against the republicans, democrats and populists dividing the results of the victory. Boyd, democratic candidate for governor, received 71,331 votes; Powers, people's independent, 70,187; Richards, republican, 68,878; B. L. Paine, prohibitionist, 3,676. The rest of the republican state ticket was successful by small majorities, ranging from 3,000 to 4,000. The republican candidates were defeated in every congressional district. The vote in the first district was, Bryan, democrat, 32,376; William J. Connell, republican, 25,663; Allen Root, people's independent, 13,066; E. H. Chapman, prohibitionist, 1,670. In the second district William A. McKeighan, democrat and independent, 36,104; N. V. Harlan, republican, 21,776; and L. B. Palmer, prohibitionist, 1,220. In the third district, Omer M. Kem, 31,831; George W. E. Dorsey, republican, 25,440; William H.

Thompson, democrat, 22,353; W. L. Pierce, prohibitionist, 961.

It was generally charged and believed that the vote of Douglas county was corruptly swollen to insure the defeat of the prohibition amendment. Comparison of votes cast at the election of 1890 with those for two years preceding and two years following seems to sustain the belief. In 1888 the total vote cast for state officers was 202,855, of which Douglas county cast 10.6 per cent. In 1889 the total vote was 169,733, Douglas county casting 7.5 per cent. In 1890 the total vote was 214,072, of which Douglas cast 12.2 per cent. In 1891 the total vote was 156,080; Douglas county, 11.8 per cent. In 1892 the total vote was 197,473; Douglas county, 11.2 per cent. The total vote cast in 1890 was 8.4 per cent in excess of the total vote in 1892. The vote cast in Douglas county in 1890 was 17.5 per cent in excess of the vote of the county in 1892. The vote on the prohibition amendment for the whole state was 82,292 for and 111,728 against. The vote of Douglas county was 1,555 for and 23,918 against.

The fourteenth legislature convened in the twelfth regular session on the 6th of January, 1891, and finally adjourned April 4th, the seventy-first day. The senate comprised eighteen independents, eight democrats, and seven republicans, the independents having a majority of three. In the house there were fifty-four independents, twenty-five democrats, and twenty-one republicans, yielding the independents a clear majority of eight. Samuel M. Elder, independent, of Clay county, was elected speaker, receiving 54 votes to 25 cast for Frank E. White, democrat, of Cass county, and 20 for J. O. Cramb, republican, of Jefferson county. The independents took all the offices of both houses for themselves.

On the request of the joint convention for the opinion of the attorney-general as to the legal power of the convention to proceed to open, publish, and canvass the election returns, that officer expressed the belief that it would be better for the legislature to submit to the order of the supreme court until a better remedy could be obtained; that the court has stated as law that the first duty of the

legislature is to open, publish, and canvass the returns; and that the speaker is the presiding officer. To the query of Senator Stevens as to whether the supreme court had decided that the speaker of the house is the presiding officer at this time, the attorney-general replied: "I understand that it is the judgment of the Supreme Court that no other officer is recognized—that the speaker of the House is the presiding officer." Whereupon the convention took a recess until half past two o'clock in the afternoon. On reassembling the secretary of the senate read a communication from the attorney-general in which he said that his former statement that the supreme court had decided that the speaker of the house should preside at the joint session was based upon misinformation and that the court had not passed upon that question. Whereupon the returns of the election were brought by the secretary of state and delivered to the speaker. The lieutenant-governor insisting upon presiding over the proceedings, Senator Stevens offered a formal protest declaring that the assumption of the lieutenant-governor was in violation of section 67, chapter 26, of the compiled statutes of Nebraska for 1887. The speaker then canvassed the returns from the several counties and after delivering them to the secretary, declared as follows: :

By virtue of my position as speaker of the House of Representatives of the state of Nebraska and in accordance with a resolution of this joint convention I have opened the returns of the general election held on the 4th day of November, 1890, within and for the state of Nebraska and to me directed and now publish and declare that James E. Boyd for governor; T. J. Majors for lieutenant governor; John C. Allen, for secretary of state; T. H. Benton for auditor of public accounts; J. E. Hill for treasurer; G. H. Hastings for attorney general; A. R. Humphrey for commissioner of public lands and buildings; A. K. Goudy for superintendent of public instruction; W. J. Bryan for congressman from the first district; W. A. McKeighan for congressman from the second district; O. M. Kem for congressman from the third district, all having received the highest number of votes cast were duly elected.

On the 26th of January the senate passed a resolution, by a vote of 23 to 8, recognizing

James E. Boyd as governor and asking for the appointment of a committee of two to wait upon him and ascertain whether he had a message to deliver and to appoint a time to hear it and asking that the house appoint a similar committee.

On the 28th the house, by a vote of 52 to 42, tabled a resolution to appoint a committee to act with the senate committee, on the ground that Boyd was not rightfully governor; but, after further consideration, on the 4th of February it agreed to such an arrangement by a vote of 55 to 42, and February 6th was fixed upon for the function. An arrangement to hear the outgoing governor's customary farewell message was easily made, because, at the time, he was content to be called ex-governor, while there was stout rebellion against recognizing Boyd.

The attempt of the supreme court to coerce or interfere with the action of a coördinate body in commanding the legislature to canvass the votes was probably usurpation, as Shrader's resolution characterized it. The persistent attempt of Meiklejohn to preside over the joint convention united specious bravado with usurpation which due courage and ability on the part of the speaker might have prevented and properly rebuked. The result of this unwarrantable interference on the part of the court and president of the senate did a great injustice to the independent contestants, as there was certainly good ground for a very general belief that an investigation of the election in Douglas county would have seated them.

It is at least doubtful that the decision that a resolution fixing a day for hearing the contest required executive signature was sound; and the consideration that an affirmative interpretation handed over to a party to the contest power to block it by refusing to sign the resolution it seems should have constrained the court to give the reasonable side, in effect, the benefit of the doubt. But courts elected on partisan tickets naturally respond to party exigencies. In the first instance, the feeling of the court, for obvious reasons, preferred the democratic Boyd to the populist Powers; and so it had the courage of its feel-

ings and Boyd went up. In the second instance, the court preferred the republican Thayer to the democratic Boyd and again it had the courage of its feelings and Boyd was down — until the federal Supreme Court, too remote for small partisanship, picked him up again. The plain moral is that in pure political procedure like this the court should be kept out altogether, as in all states with modern constitutions.

While the independents were disconcerted, they were not deterred by the interference of the court; and so on the 30th of January the house, by a vote of 74 to 18, passed a concurrent resolution designating February 17th as the day for hearing the contest; but the fine and final work was done in the senate when, on the 11th of February, it was rejected, 11 to 14, three independent senators — Collins of Gage, Turner of Saline, and Thayer of Loup — being the recreants. Even though in partisan war it was fair for democratic and republican members to deny the contestants a hearing of their cause, which it might be difficult to maintain, yet the independents who voted to deny that constitutional right clearly deserved the accusations of treachery and corruption which their fellow partisans heaped upon them. The testimony taken had at least colorably sustained the independent charges of fraud at the elections. Mr. Powers issued a dignified remonstrance against the denial of the forms of justice. "Every citizen has a sacred right to be heard before the judicial tribunal provided for his relief. . . . The secretary of state said that James E. Boyd received 1,114 more votes than I did. I have proved that over 2,000 persons were bribed in Douglas county to vote for Boyd, and that over 1,300 of them voted in Omaha." Whether a trial of the cause would have sustained this contention or changed the practical result may always remain an open question, but that there was a scandalous miscarriage of justice in denying the trial there can be no doubt. The *Farmers' Alliance* naturally emptied most of its vials of wrath on the three recreant independents:

Rarely does it happen when the interests of the corporations and the money power are

pitted against the interests of the people that traitors are not found to betray the latter. The Judas who took the thirty pieces of silver and by kisses betrayed the Savior of mankind — betrayed the divine man who by his teachings has always stood by the great plain people — has found his vile counterpart throughout all the ages. He has been here in Lincoln through the contest. He had three doubles in the Senate. . . . We dislike to defile our pages with their names.

Collins made a weak attempt to justify his course, but it placed him in a worse plight than Turner's silence left him; and Taylor shirked the ordeal altogether by flight. The full force of conventional cunning and all the arts of scared capitalism were turned against the all but untutored populists. The *World-Herald* openly, and the *Bee* really were for Boyd, while the *State Journal*, if not warmly for Thayer, was hotly against the populists. Of the larger dailies, the *Lincoln Daily Call* alone battled for a fair and square deal. For effect the independents were constantly called prohibitionists by their allied opponents.

On the 6th of February Governor Boyd delivered a business-like message to the legislature. He counseled acceptance of the decision of the people against prohibition of the liquor traffic and gave cautionary advice as to railroad legislation. "The people," he said, "appear to regard the present board of transportation as having accomplished little or nothing in their behalf. Their interests might, and doubtless would, be better subserved by the creation of such a commission as exists in the neighboring state of Iowa. Your right to establish maximum tariff rates is not denied. Such legislation, however, is deemed to rest on delicate ground, because of the vast diversity of commodities and the many peculiar and distinguishing features which enter into the carrying trade. The present board of transportation has the right to establish reasonable maximum rates though it has never exercised its authority. If your honorable body, however, should decide to take this matter in hand, I would respectfully suggest that your work in that direction be confined to a limited number of commodities in carload

lots such as coal, grain, live stock, lumber and others."

He recommended the passage of an Australian ballot law and strongly argued that presidential electors should be chosen by congressional districts. Deprecating the fact that a proposed amendment to the constitution to provide for two more judges of the supreme court had been defeated, he advised calling a convention for a general revision of the constitution.

The governor congratulated the people over the fact that peace with the Indians had been restored, after the ill-starred Wounded Knee campaign, without the loss of a man killed in battle. It had not been his intention to recall the Nebraska National Guards until the Indians had been disarmed, and he had sent a telegram to that effect to Brigadier-General Colby January 13th; but it was received after Major-General Miles had informed Colby that he could safely withdraw his troops and he had already ordered the Nebraska National Guards to their homes.

The legislature promptly repealed the sugar bounty law of 1889, the measure passing the house by a vote of 78 to 16 and the senate by 25 to 6. The nays in the house comprised five democrats, eight republicans, and three independents; in the senate, one democrat and five republicans, thus the repeal was mainly a party measure. Boyd county was constituted out of unorganized territory. The most important measure of the session, probably, was the Australian ballot act which both of the old parties also had promised. The bill was introduced by W. F. Porter of Merrick county, as house roll 141. It passed the house by a vote of 80 to 20 and in the senate it received 32 ayes and no nays. Of the 20 nays in the house thirteen were independents, four democrats, and three republicans. Fifteen of these were farmers. Congressional districts were apportioned, the number being raised from three to six on account of the increase in population as shown by the census of 1890. Judicial districts were increased from twelve to fifteen. An act was passed requiring that railroad stations should be given the same names as towns in which they are situated.

The state board of health was established, consisting of the governor, attorney-general, and superintendent of public instruction; and the act provided that the board should have four physicians as secretaries to assist and advise it. A "Girls' Industrial School for Juvenile Delinquents" was established at Geneva, on condition that forty acres of land should be donated therefor; and an appropriation was made of \$40,000 for the erection of buildings and maintenance. The sum of \$100,000 was appropriated from the state treasury "for the immediate relief of the drouth stricken counties of the state of Nebraska." A "relief commission" was created by the same act, consisting of Samuel M. Elder, Luther P. Ludden, R. R. Greer, Louis Meyer, George W. Martin, John Fitzgerald, Andrew J. Sawyer, Charles W. Mosher, J. W. Hartley, W. N. Nason. The act provided that county commissioners, county clerks, and sheriffs should distribute supplies furnished by the relief commission. Bonds to the amount of \$100,000, to run five years at four per cent interest, were authorized; and the governor was empowered to appoint, with the consent of the senate, a "board of relief" of nine members, who should sell the bonds and deposit the proceeds in the state treasury for the use of the relief commission. A tax of one-eighth of a mill was levied, for the interest and principal of the relief bonds. County boards were authorized to use the surplus general funds of the county to buy food, fuel, seed grain, and food for teams and sell them to the needy families at cost, taking promissory notes running three years with interest payable annually. County boards were also authorized to issue bonds, not to exceed in amount three per cent of the assessed valuation of the county or \$20,000 in the aggregate, for providing seed and feeding teams for raising crops in 1891. This authority required a majority vote, and the bonds were to be payable in ten years and draw interest at a rate not over seven per cent. A depository law which was destined to cause much loss and trouble was passed. It authorized state and county treasurers to deposit current funds in state or national banks, three per cent interest to be paid therefor on daily

balances. Personal bonds approved by the governor, secretary of state, and attorney-general were required. It was bad policy on general principles to loan public money upon personal bonds, but the conjunction of drouth and panic illustrated this truth in an unexpected and harmful manner. The sum of \$50,000 was appropriated for an exhibit at the World's Columbian Exposition, and the governor was authorized to appoint six commissioners, two from each congressional district and two of them from each of three parties, with compensation of \$5 a day for actual time devoted to duties, and traveling expenses. The sum of \$24,000 was appropriated to pay the militia and its maintenance, and \$13,200 for railroad transportation on account of the Wounded Knee Indian campaign. The sum of \$300 was allowed to each executive officer for attorney's fees in the election contest, Majors getting \$125 for witness and sheriff's fees also; to John H. Powers \$300 for attorney fees and \$250 for witness and sheriff's fees; to Boyd \$100 and Dech \$125 for witness and sheriff's fees; and from \$250 to \$350 each to eleven notaries public and lesser sums to two others; also \$5,000 for reporting and transcribing testimony.

It was left to the so-called revolutionary populist movement to respond in a material or practical way to the long continued popular demand for railroad legislation; and, notwithstanding the doubtful propriety of reform by this necessarily somewhat crude method, the measure at least deserves that credit. The Newberry bill (H. R. 12), so called because it was introduced by Representative Newberry, was passed in the house by a vote of 78 to 17 and in the senate by 23 to 7.

Boyd belonged to the class, distinctive at the time, known as railroad men; so that his veto of the bill was not a surprise but, on the contrary, was expected. Notwithstanding that the bill was necessarily crude in form and that it might be unfair to the railroads, yet it was the deliberate response to the explicit demand of the majority party represented in the legislature, and also to the republican platform. The veto, therefore, was in derogation of the spirit of modern representative government,

and it was rightfully resented as such. Accordingly it was an act of political suicide on the part of the governor, and it emasculated his party besides. Disapproval of the veto was so strong that J. Sterling Morton, in spite of his fixed opposition to legislation of that sort, could, as he did, publicly denounce it, as bad party policy, at once thereby getting revenge out of his political enemy and gaining such popular approval as to be unanimously nominated as Boyd's successor.

The republican convention for 1891 was held at Lincoln September 24th. George H. Thumel of Hall county was temporary and permanent chairman. Alfred M. Post of Platte county was nominated for judge of the supreme court on the fourth formal ballot, receiving 294 votes to 135 for M. B. Reese, 126 for Amasa Cobb, the incumbent of the office, and 17 for Judge William H. Morris of Saline county. The platform was devoted especially to national questions. It approved the silver coinage law of the administration "by which the entire product of the silver mines of the United States is added to the currency of the people," but denounced the democratic doctrine of free and unlimited coinage, and it repeated the usual generalities about railroad control. John L. Webster of Douglas county was chairman of the committee on resolutions and Charles H. Gere was also a member of the committee. H. B. Shumway of Dixon county and C. H. Marple of Douglas were nominated for regents of the University.

The democratic convention was held at Grand Island September 17th. Frank P. Ireland was president of the convention. Judge Jefferson H. Broady was nominated for judge of the supreme court and F. A. Brogan and S. F. Henniger for regents of the University — all by acclamation. Judge Broady resolutely declined to accept the nomination, and the democratic organization favored giving the support of the party to Edgerton, the people's party candidate. The platform condemned the state board of transportation for "refusing in the face of overwhelming demands to fix reasonable freight rates and give the people relief from exorbitant transportation charges" and declared in favor of a constitutional

amendment providing for three elective railroad commissioners. It declared for a tariff for revenue limited to the necessities of the government economically administered and the election of United States senators by popular vote. It favored "a law establishing reasonable maximum freight rates." The friends of Governor Boyd in the convention wished to endorse his recent veto of the Newberry maximum freight bill, notwithstanding that it had been denounced by nearly all the democratic newspapers of the state; but, largely through Bryan's influence, the question was left without action. The *World-Herald*, which disapproved the veto, sharply and justly criticised the convention for dodging the issue. The first sharp contest between the gold democrats and Mr. Bryan and his following upon the money question occurred at this convention. He proposed a plank advocating the free and unlimited coinage of silver; but most of the Lancaster delegates stood stoutly against the proposal, and a compromise was agreed upon to strike out "and unlimited" so that the plank read: "We favor the free coinage of silver."

The people's independent convention was held at Hastings August 18, 1891, seventy-eight counties being represented by over six hundred delegates. William A. Poynter, then a state senator from Boone county, was chairman, and C. H. Pirtle secretary of the convention. Joseph W. Edgerton was nominated for judge of the supreme court, without opposition, and A. D'Allemand of Furnas, and E. A. Hadley of Greeley, for regents of the University. The platform contained the now recognized orthodox planks of the populist faith — all money to be issued by the government; abolition of national bank currency; free and unlimited coinage of silver; no alien ownership of land; graduated taxation of incomes; government ownership of all means of public communication and transportation; election of president, vice president, and United States senators directly by the people. It denounced the veto of the maximum freight rate bill and expressed sympathy for laborers in their efforts to enforce the eight-hour law. After a virulent campaign in which the *World-Herald*

insisted that the judicial contest was a sharply defined railroad issue and, in particular, indulged in violent personal attacks upon Judge Post, he was elected, receiving 76,447 votes against 72,311 cast for Edgerton. If the independents had nominated a stronger lawyer than Edgerton fusion would have been successful. Mrs. Ida M. Bittenbender, the prohibition candidate, received 7,322 votes.

The national convention of the people's independent party for 1892 was held at Omaha July 2d.

The republican state convention to elect delegates to the national convention was held at Kearney April 27, 1892. Bradner D. Slaughter of Nance county was temporary and permanent chairman. John L. Webster of Douglas, Edward D. Webster of Hitchcock — who was a delegate from Nebraska to the national republican convention of 1860 — Lucius D. Richards of Dodge, and Amasa Cobb of Lancaster, were elected delegates at large. A motion that Edward Rosewater be made national committeeman was carried after a spectacular fight. Opposition raised in the convention to choosing John L. Webster as a delegate, on account of doubt of his fealty to President Harrison, compelled him to come before the convention and spell the name of the president in staccato fashion. The platform endorsed the McKinley bill, Blaine's reciprocity scheme, and Senator Paddock for reelection. The delegates were instructed to support President Harrison for re-nomination.

The first democratic convention for 1892 was held at Omaha April 13th and 14th. It was one of the most exciting and spectacular political conventions ever held in the state. By this time Mr. Bryan had become characteristically positive and aggressive in the advocacy of the free coinage of silver, while a majority of the democrats were loyal to Cleveland and approved his conservatism with reference to the silver question. At the Lancaster county convention, held for the purpose of choosing delegates to the state convention, there was a very heated contest between the Cleveland democrats and the followers of Mr. Bryan. The former were in the major-

ity but, being unwilling to deal too harshly with so promising and popular an acquisition to the party as Mr. Bryan had become, and, moreover, not appreciating at that time the length to which his audacity might hurl itself, they magnanimously put him upon the delegation. Robert A. Batty of Adams county was chairman of the convention. The first controversy was between the Boyd and anti-Boyd factions for representation. At the county convention of Douglas county there had been a breakup, and a double set of delegates asked for admission to the state convention. Charles Offut and Charles Ogden were the leaders of the Boyd faction and Euclid Martin, Timothy J. Mahoney, and Michael V. Gannon of the anti-Boyd faction. The contest resulted in the seating of Boyd's friends. The Lancaster delegation elected Andrew J. Sawyer, a gold democrat, as its representative upon the committee on resolutions; but the convention added Bryan as a member at large of the committee. The platform as reported by the committee merely emphatically endorsed the national platform of 1884, saying nothing specific about the money question. Mr. Bryan in a minority report introduced the additional resolution that, "We declare ourselves in favor of the free coinage of silver."

Half an hour was allowed each side for discussing the minority silver plank. Bryan's friends conceded all the time to him for the affirmative, and the negative time was divided between Robert A. Batty of Adams county, Nathan S. Harwood, Andrew J. Sawyer, and Albert Watkins of Lancaster, Charles Offut of Douglas, and Judge James C. Crawford of Cuning. Immediately after the temporary organization was made permanent (by general consent as the writer remembers for the move was not strictly in order) Albert Watkins offered a resolution favoring Cleveland. As the Cleveland resolution was read, "it was wildly cheered and unanimously passed." As first offered the resolution contained instructions for Cleveland; but, on hearing a goodly number of objections to that part of it, the mover promptly withdrew it and the remainder was adopted without opposition and with great enthusiasm. Mr. Bryan's speech upon

his silver plank was the first taste that a general assemblage of the democrats of the state had of his magnetic eloquence; and, though at the beginning the convention was overwhelmingly for Cleveland, after he disclosed the fact, which he had theretofore kept secret, that he favored Horace E. Boies of Iowa, for president, it seemed as if the convention was almost willing to follow him. This part of the proceedings was very exciting. Mr. Offut, who was a dramatic Kentuckian, while speaking on the stage against the resolution, turned around and facing Mr. Bryan, who sat near, thinking to surely catch him in an inconsistency, demanded, "You are for Cleveland, are you not?" But Bryan promptly and unexpectedly answered loudly enough to be heard by the audience and with the utmost dramatic fervor, "I am for Horace E. Boies." The free silver part of the convention was very boisterous and unwilling to give the anti-silver speakers a hearing. After the first roll call the chairman announced that Bryan's amendment was defeated by 237 to 267.

And then! it was like the hot chamber of hell. Men climbed over the tables and yelled in angry denunciation. . . . And that convention went mad—absolutely insane. Men could not do things crazy enough. Batty was hooted at and sworn at. Bryan tried to soothe things. It was impossible. . . . Governor Boyd and three reliable gentlemen on the stage had kept tab. . . . At last in the sheol of noise it was decided to take another vote. . . . The recount was taken amid much excitement, and Chairman Batty finally announced its result—229 yes; 247 no! . . . The majority report was then adopted.

In the midst of the collective brainstorm Bryan's livid face, compressed lips, and defiant eyes were a vivid reminder of Edwin Booth in his most dramatic moments. In after years Bryan could not have repeated that remarkable theatrical role because only the impetuous abandon and daring, the freshness and fire of youth, unhampered by knowledge and unrestrained by experience could accomplish, or would undertake it. The master actor had been nurtured in the low tariff or free trade school, and his speeches on the tariff question at that time were inimitably apt and taking;

but he had given little attention to the deeper and more difficult principles of money, so that his sympathy and his ambition fell easy captive to the superficial shibboleth, "free silver." That great turbulent body of men, representatives of the state's sufferings, hopes and fears, was of course less schooled than the ambitious leader, and a majority of them, perhaps, were ready to give him the benefit of every doubt. It was from the first apparent to the maturely thoughtful that this captivating issue was destined to be short-lived, and it was discredited by the sober second thought of the people. Economic privation was an inevitable, if not legitimate source and stimulus of its strength in Nebraska. On the eve of winter in 1890 there were from 1,500 to 2,000 families in destitute condition in the western part of the state, and soulless railroads were hauling coal to them without compensation. It was even argued that the alleged gross election frauds of that year should be condoned lest investigation might delay relief by the legislature. "What does our legislature mean by this unseemly wrangle when 20,000 of our citizens are now starving?" This was not the temper to learn to labor and to wait before venturing, for possible immediate relief, to dislocate a vast national financial system. Under the influence of the Miller-Boyd faction President Cleveland had made the mistake of going to J. Sterling Morton's home town to select a revenue collector—in the person of Morton's immemorial political and personal enemy, Stephen H. Calhoun.

It was the opinion of the most acute politicians upon the Nebraska delegation to the national convention that but for the aggressive fight made against Bryan in the Lancaster county convention and which was carried on in the state convention, the enemies of Cleveland would have defeated him. It will be remembered that the delegation from his own state was aggressively against him and without the sixteen delegates from Nebraska he could not have sustained his strength long enough to obtain a two-thirds vote under the rule of the national convention.

The people's independent convention was

held at Bohannon's Hall, in Lincoln, June 30th. Jacob V. Wolf of Lancaster county was temporary and permanent chairman. All of the counties except ten participated in the convention with a representation of 722 delegates. The welcome return of Van Wyck to favor and the passing of Burrows was the principal incident of the proceedings. Though the name of the late imperious leader was presented as a candidate for delegate at large it was passed with apparently unanimous tacit assent, while Van Wyck received almost as many votes as John H. Powers, the high man. The independents proudly pointed out that whereas sixteen delegates to the republican national convention comprised seven lawyers, six bankers, and not one farmer, their own delegation of thirty-two contained twenty-four farmers, three lawyers, and three editors.

The republican state convention for 1892 was held at Lincoln August 4th and 5th. John R. Hayes of Madison county was temporary chairman and A. E. Cady of Howard county, permanent chairman. Samuel D. Mercer of Douglas, chairman of the state committee, called the convention to order. Church Howe seconded the nomination of his immemorial political rival, Thomas J. Majors, for governor. On the first ballot, he received 344 votes; Lorenzo Crouse, 376; A. E. Cady, 82. On the second day Crouse was nominated on the fifth ballot, receiving 446 votes to 327 for Majors. The platform declared in favor of an elective railroad commission, empowered to fix local freight and passenger rates, and for postal telegraph and savings banks, besides approving the national platform.

The state convention of the people's independent party was held at Kearney August 4th. The platform demanded reduction of freight rates to the Iowa level; declared against the restoration of the sugar bounty, and that all obligations payable in money should be payable in money authorized by the United States government — stipulations to the contrary notwithstanding; favored a constitutional amendment authorizing the loan of the school fund to citizens on first mortgage real estate security at an interest rate of not more than five per cent; the settling of labor

differences by arbitration, and equal pay for equal work to both men and women; denounced convict labor; demanded the election of president, vice president, and United States senators by direct vote of the people; denounced the state militia as an expensive ornament. A plank in favor of woman suffrage was laid on the table. Charles H. Van Wyck was nominated for governor on the first ballot, receiving 552 votes to 147 for William Leese and six for William A. Poynter. John H. Powers, the first candidate of the party for governor, refused to be a candidate for the office before the convention and also refused to take the nomination for state auditor. With a fickleness characteristic of politics the convention showed a continuing reaction against the late "Dictator Burrows" and in favor of Van Wyck.

The democratic state convention was held at Lincoln August 30th. Matthew W. Gering of Cass county was temporary chairman and William H. Thompson of Hall, permanent chairman. A reaction of sentiment against Governor Boyd had taken place, due largely to his veto of the Newberry maximum freight rate bill. Even Morton himself, regarded as an ultra conservative on the question of railroad legislation, thought it expedient to publicly denounce the veto. In the convention there was a decided sentiment in favor of Morton's coming back — explicable largely by the feeling in the party and especially on the part of the Morton faction of it, that Cleveland would be reelected and that to strengthen Morton's leadership would be of material aid in the resulting division of federal spoils; and so the old leader of many campaigns and as many defeats was enthusiastically nominated by acclamation. The name of Samuel N. Wolbach of Hall county was presented to the convention by Constantine V. Gallagher of Omaha, and Frank P. Ireland of Otoe was also named, but both withdrew. Charles H. Brown of Omaha, a bitter opponent of Miller and Boyd, presented Morton's name to the convention.

All three of the candidates for governor made aggressive speaking campaigns, Crouse and Van Wyck engaging in joint discussions

all over the state. Toward the end of the campaign Morton displeased many of his old time friends by directing most of his energies to lampooning Van Wyck, thus apparently playing the role of tail to Crouse's kite. The nomination of Crouse was a recognition by republicans of the serious antimonopoly inroads into their party, this present help in time of need having been long and consistently opposed to the aggression of railroads. Though, measured by present standards, Crouse was a conservative, yet his appreciably progressive attitude toward the paramount railroad question and Van Wyck's radical advocacy of free silver coinage gave the *Bee* sufficient excuse for abandoning its old ally. It went so far as to charge him with degeneracy because in the joint debate with Crouse at Beatrice he declared that the republican Congress of 1873, in abrogating free coinage of silver, benefited the "shylocks of Europe" at the expense of the "toilers" of the United States. Crouse was elected by a vote of 78,426; Van Wyck receiving 68,617; Morton, 44,195; C. E. Bentley, prohibitionist, 6,235. On account of his aggressive hostility to Van Wyck, the anti-monopolist candidate, Morton's vote was about 2,500 behind the average of his ticket. The republicans lost three of the congressional districts. William J. Bryan, democrat, was elected over Allen W. Field, republican, in the first district; William A. McKeighan, people's independent and democrat, over William E. Andrews, in the fifth district; and Omer M. Kem, people's independent, over James Whitehead, republican, in the sixth district. By rational coöperation among those voters who stood substantially upon the same ground all of the republicans would have been defeated. Americans, long inured to the two-party habit, are slowly—but surely—learning to vote for present issues regardless of past names.

The fifteenth legislature met in the twenty-third session and the thirteenth regular session January 3, 1893, and finally adjourned April 8th, the sixty-eighth day. The senate comprised fourteen republicans, thirteen independents, and six democrats; the house forty-eight republicans, forty independents,

and twelve democrats. The republicans of the senate took the honorary office by electing Erasmus M. Correll of Thayer county, temporary president, and the democrats and independents evenly divided the substantial spoils. Three democrats, Babcock of Douglas, Mattes of Otoe, and North of Platte, voted with the republicans, making Correll's total 17. Two democrats, McCarthy of Howard, and Thomson of Dodge, voted with the independents for William Dysart of Nuckolls county. Hale of Madison, democrat, voted for Mattes. There were three ballots to choose the officer in question, on three successive days. J. A. Sheridan, independent, of Red Willow county, was elected temporary speaker over Church Howe by a vote of 51 to 48. J. N. Gaffin, independent, of Saunders, was elected speaker over Jensen, republican, of Fillmore, by a vote of 53 to 47. The independents took the chief clerkship, also, for Eric Johnson. They allowed the democrats six minor places.

For eight days beyond his term, pending the revolutionary proceedings of the legislature of 1891 over the contested election case, Governor Thayer held to the executive office at the capitol which, under his orders, was guarded by armed militia. After the canvass of the returns, on the 9th of January, 1891, he applied to the supreme court for a writ of *quo warranto* to oust Boyd. On granting leave on the 13th, the court intimated to Thayer that in the meantime he had better yield the office to Boyd, whom the legislature had recognized as governor, and on that hint on the 15th Thayer complied with an order of the commissioner of public lands and buildings to vacate the executive office, whereupon Governor Boyd took possession of it. On the 5th of May the court entered a judgment of ouster against Boyd, on the ground that he was not a citizen of the United States and was therefore ineligible, and Thayer was reinstated.

It appeared at the trial that Governor Boyd's father, who had come to Ohio from Ireland, took out his first naturalization papers in 1890, after the governor had arrived at legal age. The attainment of citizenship by the father, therefore, did not apply to the son, and the supreme court of the state decided that his

election was invalid; but an appeal was taken to the Supreme Court of the United States which decided, February 1, 1892, that when Nebraska was admitted as a state, Boyd was a resident and therefore became a citizen by adoption. Justice Maxwell had dissented from the decision of the state court on this ground. On the 6th of February, John L. Webster, Thayer's attorney, sent him a letter which convincingly assured him that he had been actuated by the highest patriotic motives in holding over until it had been established that his prospective successor was constitutionally eligible to fill his official shoes, and that he might now, with safety to the commonwealth, relinquish the post he had so faithfully and conscientiously guarded. In turn, the hold-over governor wrote a letter to Boyd recounting the information he had received and proposing to relinquish the office on the following day; whereupon Boyd again became governor on the 8th of February, 1892.

During nine months of his administration there had been a saving in expenses at the hospital for insane of \$15,637.48 over expenses of the previous nine months, a difference of nearly twenty per cent. He claimed a large saving for other state institutions and that they could be conducted on an expenditure of sixty-six per cent of the prevailing expenses, exclusive of salaries. He recommended an investigation of all the state institutions. The sum of \$38,000 had been expended in the Wounded Knee affair — in January, 1891, and a bill for reimbursing the state for this expenditure had passed the Senate of the United States and was pending in the House. A year after the vote of the Newberry freight rate bill he had queried members of the legislature to find out whether they would pass such a reasonable measure as he had recommended in his first message if he should call a special session of the legislature; but he found them still radical, from his point of view. The present board of transportation, he said, had the same right to fix and regulate rates of freight as the Iowa commission, but seldom if ever exercised it. If the board were directly responsible to the people there would be better results. He recommended a choice of

presidential electors, except two at large, by the people. Michigan had adopted that plan and the Supreme Court of the United States had sustained it. According to the report of the relief commission, aid had been given in about ten counties and to approximately 8,000 families, averaging five in number, and during four to six weeks. Already \$30,000 of the \$50,000 appropriated on account of the world's fair at Chicago had been expended — \$16,332.43 for the building — and he recommended an appropriation of \$50,000 more.

By the act of Congress of March 2, 1891 (*Stat.* 26, p. 822), all direct taxes levied by the United States under the act of August 15, 1861 (*Stat.* 12, p. 294), were to be refunded. It appeared from this refunding act that only one tax had been levied, the aggregate for all the states and territories being \$20,000,000, and Nebraska's quota thereof, \$19,312. The usual allowance of \$20,000 for the expenses of the legislative session of 1863 had been offset against the tax and no session was held.

Governor Crouse delivered his inaugural message January 13, 1893. He found the state enjoying a prosperity rarely equalled in its history. Crops had been bountiful and prices in the main fairly satisfactory. There had been good crops in the former drouth stricken districts. Like his predecessor he made a strong appeal for economy in expenditures. Appropriations for state institutions should be cut to the minimum. The other recommendation was for a firm but wise control of railroads. "Your authority to control these railroads is undisputed, and you will stop short of your duty if you fail to do so, if occasion demands it." He remarked that nearly 70,000 votes had been cast for a ticket resting on a platform which declared that the roads were by unjust rates taking millions of dollars from the people annually.

Another Newberry bill (H. R. 33), classifying freight and fixing maximum charges was passed at this session, and the board of transportation was authorized and directed to reduce its rates on any class or commodity and to revise classification but not so as to increase rates. Railroad companies might bring suit in the supreme court to show that the rates

were unjust and the court might order the board of transportation to permit the roads to raise rates in amounts fixed by said board but not higher than those charged by any road on January 1, 1893. The bill passed the house, 63 to 30, the nays all republican but three—Leidigh and Sinclair of Otoe, and Withnell of Douglas, democrats. All the members from Douglas and Lancaster voted no except Ricketts of Douglas, who was absent. A phenomenally strong if not complete control of public sentiment by the railroads in the two large cities of the state seems to be indicated by this vote, which was typical up to this time. The bill passed the senate 18 to 14. The nays comprised three democrats—Babcock of Douglas, Mattes of Otoe, North of Platte. The other eleven were republicans. The independent members voted solidly in the affirmative. Clarke of Douglas and Everett of Dodge, republicans; and Hale of Madison, McCarty of Howard, and Thomsen of Dodge, democrats, voted aye.

A bill (H. R. 138) was passed authorizing the supreme court to appoint three commissioners to assist the court under such rules as it should adopt. Their term of office was fixed at three years and no two of them should be members of the same political party. It was enacted that the professors of botany, geology, chemistry, and entomology, in the State University, should be called state botanist, state geologist, etc. The sum of \$35,000 was appropriated for the expense of a commissioner-general and employees for the World's Columbian Exposition with authority for the governor to appoint the commissioner-general at a salary of \$2,000; combinations for fixing prices on commodities were prohibited; the bringing of persons or associations into the state for police work was prohibited and every undersheriff or deputy was required to be a resident of the state. This much mooted law, directed against the Pinkerton system, which is still in force, passed the house by a vote of 72 to 1, Van Duyn, republican, of Saline county, voting nay. It passed the senate 19 to 12.

There was an exciting contest over the senatorial election, William V. Allen, independent,

being chosen on the twenty-eighth day of the session and by the eighteenth joint ballot, receiving 70 votes to 59 for Algernon S. Paddock. All of the 53 independents and all of the 18 democrats, except Farrell, who did not vote, supported Allen on the successful ballot. All of Paddock's supporters were republicans. Kyner of Douglas voted for Paul Vandervoort; Ricketts of Douglas, for Crouse, and Clarke of Douglas did not vote. Allen received only one vote on the fourteenth ballot and one on the fifteenth. On the sixteenth he received 65 and the same number again on the seventeenth. Paddock had 32 votes to begin with and for thirteen ballots his strength varied from 20, the lowest, to 33, the highest. His nearly full republican support on the last ballot was merely a compliment to incumbency, the die of defeat having already been cast by the opposition compromise on Allen. On the fourteenth, fifteenth, sixteenth, and seventeenth ballots John M. Thurston received 61 votes, within one of the total republican strength and within three of victory. John H. Powers, candidate for governor on the independent ticket of 1890, received the full independent vote on most of the ballots up to the thirteenth, when for three ballots it was given to William L. Greene of Buffalo county. Powers had 1 additional vote on four ballots and Greene 3—56 in all—on one ballot. The highest votes received by other prominent candidates were, J. Sterling Morton, 6; James E. Boyd, 5; William J. Bryan, 8; Thomas J. Majors, 13.

The disclosures of the impeachment proceedings and kindred prosecutions showed that republicans would have chosen the wiser as well as the better part if they had voluntarily undertaken their own neglected house cleaning instead of waiting for it to be forced upon them by their enemies. The *Bee's* insurgency in the next state campaign was virtually an acknowledgment of this mistake. A resolution was passed to employ three lawyers, one of each political party, to be chosen by the members of the several parties in the house. The republicans selected Stephen B. Pound; the independents, William L. Greene; the democrats, Eleazer Wakeley. Judge Wake-

ley declined to serve, and George W. Doane was appointed in his place. Barry, independent, of Greeley county; Van Housen, democrat, Colfax; Lockner, republican, Douglas, were appointed a committee on impeachments. A resolution for the impeachment of John C. Allen, secretary of state; Augustus R. Humphrey, commissioner of public lands and buildings; George H. Hastings, attorney-general, and John E. Hill, treasurer, passed the house unanimously.

A resolution that articles of impeachment against the executive officers above named for misdemeanor in office be prepared and presented to the supreme court was passed by a vote of 127 to 4. Those voting nay were Cooley, republican, of Cass county; Kyner, republican, Douglas; North, democrat, Platte; and Rhea, republican, Seward; the articles against Hastings were adopted by a vote of 95 to 24; against Humphrey, 92 to 5; against Allen, 87 to 4; against Hill, 95 to 9. Barry, independent; Colton, republican; and Casper, democrat, were appointed a committee to employ attorneys and prosecute the impeachment. The articles of impeachment against the four executive officers named, who constituted the board of public lands and buildings, were confined to charges of fraud which had been perpetrated at the state penitentiary and at the hospital for the insane at Lincoln. Article 1st, against George H. Hastings, attorney-general, for example, recited that at the twenty-second session of the legislature \$40,000 had been appropriated for the construction of a cell house at the penitentiary. The first specification alleged that Charles W. Mosher controlled the labor and service of the convicts in the penitentiary under a contract with the state and during the year 1891 and until February 1, 1892, he employed William H. Dorgan as his foreman and superintendent to take charge of said convicts; that the board of public lands and buildings, well knowing that said Dorgan was the agent of Mosher, employed him as the agent and superintendent of the state to superintend on its behalf the construction of said cell house; that Dorgan in rendering his accounts from time to time to the state board of public lands and buildings for the

labor of said convicts charged the state with the sum of \$1 a day for each convict whereas, in the contracts made by Dorgan in behalf of Mosher to individuals, firms, or corporations, he let the said convict labor at the rate of forty cents a day and that the board of public lands and buildings should have procured said labor for the construction of the cell house at the same rate of forty cents. Specification 2d charged that the board of public lands and buildings from time to time paid over to Dorgan as the agent of the state large sums of money in advance of his procurement of material or expenditure of labor for which the money was to be paid. Specification 4th, charged Dorgan with having expended a part of said funds of the state for material which was not needed or used in the construction of the cell house. Specification 1st of article 3, charged that the board of public lands and buildings let the contract for a supply of coal required for the use of the hospital for the insane at Lincoln, for the quarter commencing April 1, 1890, to the firm of Betts, Weaver & Company; that said firm furnished under the contract for the month of April, 1890, coal to the amount of 336,000 pounds and no more, but rendered an account for 438,000 pounds and that the board of public lands and buildings approved the fraudulent account. Specifications 2d and 3d, made similar allegations of startling discrepancies between the amounts allowed to the same firm and the amounts actually furnished. Specification 4th, charged that in the month of July, 1890, the Whitebreast Coal Company of Lincoln actually furnished to the hospital for the insane 250,000 pounds of coal and no more, but made an account for 720,000 pounds, which the board allowed.

There was a general investigation of the administration of the state institutions in response to charges of corruption and mismanagement. A committee of eight, four from the house and four from the senate, and comprising members of all political parties, reported unanimously that the death of Powell, a convict at the penitentiary, "was the direct and proximate result of cruel and inhuman punishment inflicted upon him." The com-

mittee found from the evidence that "the punishment in vogue in the Nebraska state penitentiary for many years has been inhuman, barbarous and cruel in many cases," and gave revolting details in illustration of this charge.

A committee of seven members of the house, comprising three independents, two democrats, and two republicans, was appointed to investigate the administration of the penitentiary. The committee's unanimous report found gross corruption and mismanagement.

A committee of the house, consisting of G. A. Felton and Austin Reiley, independents, and C. D. Casper, democrat, found a still worse state corruption, if possible, in the administration of the hospital for the insane at Lincoln.

The committee of the house to whom the penitentiary contract between the state and William H. Dorgan and Charles W. Mosher was referred, requested the opinion of William Leese, attorney-general, as to its validity, and they were informed by that officer that the act of 1879, which undertook to extend the contract with W. H. B. Stout, and that of 1887, to extend the contract to Mosher, assignee of Stout, were both invalid. Thereupon the committee reported unanimously that in its opinion the contract was null and void and recommended that the state take charge of the plant, prison, and grounds. The house adopted the report. A motion of Jensen of Fillmore county, that this action of the house be referred to the senate with the request that that body should concur was also adopted; but the senate appears to have smothered the report. The house committee appointed to investigate the management of the permanent school fund reported that "the state has lost large sums of money in the form of interest which would have accrued to the temporary school fund, the exact amount of which has not been computed by your committee." The committee recommended that action be brought against Hill, ex-state treasurer, to recover the money so lost. This report was signed by two of committee, the third member refusing to concur.

Steven and Casper, of the committee "to investigate the charges of improper use of or

offers of money to influence the votes of members of the legislature in the matter of the election of United States senators," reported that offers of money were made to eight members for the alleged purpose of so influencing their votes, and in the opinion of the committee the offers were made with corrupt intent. McKesson of Lancaster county made a minority report in which he said that Krick and Soderman, members of the house, were guilty of soliciting corrupt offers of money for their votes; that W. A. Dungan, sergeant-at-arms, was guilty of making false statements as to the corruption of members and ought to be removed from his office; and that R. B. Thompson, "who unblushing tells of offers made by him, is deserving of the contempt of his fellowmen, and I only regret that suitable punishment cannot be meted out to him."

Goss of Douglas and Gerdes of Richardson, of the committee to investigate charges that money had been used in relation to insurance legislation, found that corrupt influence of members had been attempted, but unsuccessfully. The committee appointed to investigate the bill presented by Shilling Brothers for merchandise furnished to the state of Nebraska found that the firm had made a gross overcharge and recommended that the sum of \$1,870.88 be allowed for the bill instead of \$2,314.48, the amount claimed. The committee to investigate charges of the improper administration of the institute for feeble-minded youth at Beatrice was able to make a report that was relatively unique, inasmuch as it gave Superintendent A. T. Armstrong of the institute, a clean score for his management.

Four of the accused men were indicted under the charge of corrupt dealing with the hospital for the insane. Nova Z. Snell had been elected county attorney of Lancaster county in 1890 on the democratic and independent ticket and the prosecutions were begun under his administration. In the meantime, at the beginning of 1893, he was succeeded by William H. Woodward; but Governor Crouse appointed Mr. Snell and the law firm of Reese & Gilkeson — Judge M. B. Reese and J. R. Gilkeson — to assist in the prosecution of this class of cases. Gorham F. Betts was con-

victed and sentenced to two years in the penitentiary. He escaped, however, with a few months in the Lancaster county jail because the county attorney failed to make out in due time a bill of exceptions on the appeal of the case to the supreme court. The other persons indicted were tried and were acquitted, although the evidence against them was nearly the same as that upon which Betts was convicted. The special attorneys for the state complained that the county attorney hampered them in the trial of these cases and that they were unable to procure proper jurymen. It happened that the Betts & Weaver business had been sold before Betts was tried, and their successors in the business furnished yard sheets which showed conclusively that car loads of coal which had been charged to the asylum and paid for were really run into the private yard of Betts & Weaver and sold as their private property.

The impeachment case against John E. Hill, ex-treasurer, and Thomas H. Benton, ex-auditor, was dismissed on the ground that the defendants had retired from office in January, 1893, the power of impeachment conferred by the constitution upon the legislature extending only to civil officers of the state and could not be exercised after such officers had become private persons. The case against Attorney-General Leese was dismissed on the same ground, and also upon the ground that the managers of the impeachment had, without constitutional authority, changed the articles which had been presented by the legislature. The case against George H. Hastings, attorney-general, John C. Allen, secretary of state, and Augustus R. Humphrey, commissioner of public lands and buildings, was also decided rather upon a technicality than upon the general facts. Two of the judges, Norval and Post, held that where an official act for which an officer is impeached results from a mere error of judgment or omission of duty without the element of fraud, it is not impeachable although it may be highly prejudicial to the interests of the state. Impeachment, the majority of the court held, is essentially a crim-

inal prosecution, hence the guilt of the accused must be established beyond a reasonable doubt. Justice Maxwell dissented from the decision of the majority, holding that the duties of the members of the board of public lands and buildings in passing upon the accounts in question were not judicial. He held that the rule of the majority in this case would have protected the notorious Boss Tweed from prosecution.

Judge Maxwell also observed that Dr. W. M. Knapp, superintendent of the asylum, testified that he did not believe the amount of coal charged had been delivered, and yet he approved vouchers for the full amount.

Judge Post, while agreeing with Judge Norval in the theory which protected the defendants from prosecution, was unsparing in his denunciation of the transactions which were the subject of the impeachment. He said in reference to the coal bills at the asylum: "The overcharge for the first three months of the respondents' term of office which the legislature failed to detect was 2,020,000 pounds, while for the remaining nine months, according to the specification, it is less than twice that amount. It is not contended that negligence of the legislature, however gross, would excuse the wilful disregard of duty by the respondents. . ."

He said again: "It appears further that Dorgan, the superintendent, rendered a bill for their (convicts') labor at \$1 per day during all of said time (when they were laid off.) He attempts to justify his action by reference to a custom to charge subcontractors for the labor of convicts from the time of their assignment unless sick or disabled. This explanation merely proves the wisdom of the scriptural saying that one cannot serve two masters. Dorgan was appointed to employ laborers by the day and to make time contracts for labor."

George W. Doane of Omaha, Stephen B. Pound of Lincoln, William L. Greene of Kearney, and Genio M. Lambertson of Lincoln, were counsel for the state in the impeachment proceedings.

CHAPTER XXXI

THE POPULIST PROBATION — RETURN OF THE REPUBLICAN PRODIGAL — HIS CONVERSION TO POPULISM — A PERIOD OF PARTY ROTATION

THE DEMOCRATIC convention for 1893 was held at Lincoln October 4th. Euclid Martin, chairman of the state committee, named T. J. Mahoney for temporary chairman, and he appointed Carroll S. Montgomery as temporary secretary. The temporary organization was made permanent. Under the very vigorous management of Tobias Castor, Nebraska member of the national democratic committee, the convention was composed of a compact majority of Cleveland, or gold, democrats. But William J. Bryan, then possessing unbounded faith in his personal influence, made almost as spectacular a fight to gain control as he made in the famous convention of 1892. He began the struggle by moving that Joseph E. Ong of Fillmore county be substituted for Mahoney as chairman, urging that Judge Ong represented principles directly antagonistic to those of Mahoney. The motion was lost by a vote of 390 to 106. Mr. Mahoney's speech to the convention was in a conciliatory strain and expressed a personally friendly feeling toward Bryan. On a second test of strength, the motion by Bryan was defeated, 335 to 146. A motion by Falloon of Richardson county, that Bryan be made a member of the resolutions committee, on behalf of free silver, was defeated by 373 to 122. Constantine J. Smythe, Edward P. Smith, and C. V. Gallagher of Omaha, protested against the solid unit vote of the 103 delegates from Omaha, but without avail.

Bryan closed the unequal controversy in a notably impassioned and defiant speech. "If I am right," he said, "and so help me God, I believe I am, it matters not whether you endorse me or not. If I am right, I am right, and time will tell if I am right. If you rep-

resent the democratic party in saying you are for the gold standard of Wall street, I want to tell you that if the democratic party ratifies your action, I will go out and serve my party and my God under some other name than as a democrat. The democratic party was founded by Thomas Jefferson as the party of the masses. For twenty years the democratic party has denounced the demonetization of silver. If you want to get down on your knees and apologize for what you have said you will go without me." The clarion tone of the keynote "right" as it rang emphasized from Bryan's lips will never be forgotten by his hearers. Though Bryan's impassioned proclamation that the free silver dogma was right and the gold standard wrong and that time would prove it, was dramatically fine and effective, yet, considering that within a few years "the gold standard of Wall street" was adopted, not only in this country, but throughout the civilized world, it but illustrated the remark of Froude — extravagant, of course, as most epigram is — that "great orators have always been proved wrong."

The republican state convention was held at Lincoln October 5th. It was called to order by Addison E. Cady, chairman of the state committee, and George H. Thummel of Hall county was temporary and permanent chairman. On the first formal ballot Samuel Maxwell received the highest number of votes cast for candidates for judge of the supreme court — 380 out of a total of 927. He ran no higher than this on subsequent ballots. T. O. C. Harrison of Hall county was nominated on the fourth formal ballot with 664 votes. Monroe L. Hayward, Joseph E. Cobbe, Elisha A. Calkins, Othman A. Abbott, J. E. Frick, and Manoah B. Reese

developed some strength during the balloting. Benjamin S. Baker of Douglas county was chairman of the committee on resolutions, which denounced the democratic House of Representatives for repealing federal election laws; favored the coinage of both gold and silver as standard money, under such legislation as would maintain parity of values; denounced the independent party for attempting to array the West and South against the North and East; denounced Hoke Smith, secretary of the interior, for cutting off pensions of disabled soldiers.

The people's independent convention was held in Lincoln September 5th, and William A. Poynter of Boone county was temporary chairman, and Walter F. Dale of Harlan, permanent chairman. Silas A. Holcomb of Custer was nominated for judge of the supreme court on the first formal ballot. John F. Ragan of Adams and J. E. Bush of Gage were his leading competitors. Samuel Maxwell received 19 votes on the informal ballot. E. L. Heath of Sherman county, and A. A. Monroe of Douglas, were nominated for regents of the State University. Professor W. A. Jones of Adams county was chairman of the committee on resolutions which reaffirmed the national platform adopted at Omaha, July 4, 1892; called on Congress to pass a law "for the free coinage of silver with that of gold with a ratio of 16 to 1"; denounced republican and democratic leaders "who are attempting to demonetize silver, thereby placing the business of the country on a gold basis"; commended McKeighan and Kem, populist members of Congress, for opposing the repeal of the purchasing clause of the Sherman silver act; declared that railroad, telegraph, and telephone lines should be owned and controlled by the government; denounced political organizations, secret or open, based on religious prejudice; alleged that while republicans claimed that the state was free from debt, there were warrants outstanding in the sum of \$700,000 drawing interest at seven per cent; denounced state officers for approving the bond of Charles W. Mosher, president of the failed Capital National Bank, in such

form that the state was swindled out of \$236,000; demanded the enforcement of the Newberry freight law and the prosecution of those under indictment for asylum and penitentiary steals.

At the ensuing elections the candidates for the office of judge of the supreme court received votes as follows: T. O. C. Harrison, republican, 72,032; Silas A. Holcomb, people's independent, 65,666; Frank Irvine, gold democrat, 37,545; Ada M. Bittenbender, prohibition, 6,357. The republican candidates for regents of the State University were, of course, elected.

The republican convention for 1894 was held at Omaha August 22d; it was called to order by Bradner D. Slaughter, chairman of the state committee, who named Captain C. E. Adams of Nuckolls county for temporary chairman; and the temporary organization was made permanent. On the informal ballot for a candidate for the governorship, Thomas J. Majors of Nemaha county received 493½ votes and John H. MacColl of Dawson, 434½. The sixty votes of Lancaster went to Majors and the 108 of Douglas to MacColl; and in a general way the support of the respective candidates was divided by the North Platte and South Platte line. Lorenzo Crouse of Washington county received a complimentary vote of 32, and Addison E. Cady of Howard, 6. The first formal ballot stood, 552½ for Majors and 401½ for MacColl. Both of the leading candidates represented the reactionary and so-called railroad element—Burlington and Union Pacific respectively; and neither was available, because there was a real uprising in the party against the old order, which the wheel horses, with obtuse obstinacy, failed to recognize, playing bravado instead of level judgment. This reckless reactionism was manifested by the nomination of Majors against the well-known and old-standing hostility and opposition of the domineering, but also progressive antimonopoly editor of the *Bee*. Anticipating this theatrical gauntlet-throwing, Mr. Rosewater had prepared a bomb—a letter resigning his membership in the republican national committee—which he

defiantly threw into the convention. The scathing arraignment contained in this letter was incessantly pressed by the relentless *Bee* and echoed by the opposition press throughout the campaign.

The long undisturbed exercise of power by men singly or in parties surely induces mental and moral obtuseness or atrophy. And so republican leaders could not read the plain lesson of the defeat of "Tom" Majors, but the next time blindly bucked the line with "Jack" MacColl—not perceiving that these gentlemen of the old school had had their day in Nebraska. In each instance they put these staled players into the power of the repudiated Rosewater who, perforce, proceeded to put them out of the game. These were the last of the old line plunges but one—the disastrous success behind Dietrich in 1900.

The people's independent convention was held at Grand Island August 24th. William L. Greene of Buffalo county, the most silvery tongued of all the populists of Nebraska, was temporary and permanent chairman. Silas A. Holcomb of Custer county was nominated for the office of governor on the first ballot, receiving 437½ votes to 294½ for James N. Gaffin of Saunders county. The resolutions endorsed the Omaha national platform; they demanded the free and unlimited coinage of silver at the ratio of 16 to 1; municipal ownership of public works; liberal pensions for soldiers and sailors; national laws for the encouragement of irrigation; compulsory arbitration of labor disputes; a new maximum freight rate law or enforcement of the existing law; the immediate relief of sufferers from the drouth; and they denounced as treason the repeal of the purchasing clause of the Sherman silver act. The convention was large and confident. The committee on credentials reported that 747 of the entire list of 751 delegates were actually present.

The democratic convention for 1894 was held in Omaha September 26th and was called to order by Euclid Martin, chairman of the state committee, who named Matt Miller of Butler county for temporary chairman. W. S. Shoemaker of Douglas county, moved to sub-

stitute Edward P. Smith of that county. Miller, thereupon, said that he had been sent to the convention instructed for 16 to 1 free silver and Robert A. Batty of Adams county was in the same predicament. Miller withdrew and Smith was elected chairman, unanimously. Even the conservative Samuel W. Wolbach of Hall county yielded to the bewitching panacea and corrected a statement by William H. Thompson that he, Wolbach, was against 16 to 1. Thompson, who for a time assumed a conservative attitude toward the money question, was now for Bryan's radical régime. Willis D. Oldham of Buffalo was permanent chairman of the convention. William J. Bryan was nominated unanimously for United States senator, and a resolution for the free and unlimited coinage of silver at the ratio of 16 to 1, without waiting for the consent of any nation on earth, and declarations for a tariff for revenue only, the election of United States senators by the people, and a constitutional convention to ratify the amendment, were adopted. Upon the nomination of Holcomb, about fifty delegates bolted from the convention, assembled in another hall and elected Dan W. Cooke of Gage county, chairman. Among the bolters were George P. Marvin, editor of the *Democrat* at Beatrice, George W. West of Polk county, Judge James C. Crawford of Cuming, Deforest P. Rolfe of Otoe, John A. McShane and Euclid Martin of Douglas, and John D. Carson of Fillmore. The bolters nominated John A. McShane for governor; John D. Carson for lieutenant-governor; Deforest P. Rolfe of Otoe, for secretary of state; Otto Bauman of Cuming, for auditor; Luke Bridenthal of Gage, for treasurer; John H. Ames of Lancaster, for attorney-general; Jacob Bigler of Chase, for commissioner of public lands and buildings; and Milton Doolittle of Holt, for superintendent of public instruction. McShane declined the nomination for governor and Phelps D. Sturdevant of Fillmore was substituted and Rodney E. Dunphy of Seward was substituted for Carson. The platform endorsed the administration of President Cleveland and approved the national platform of

1892, especially the money plank and Cleveland's interpretation of it.

There were two principal reasons why Bryan overcame the majority of the last year against him and came into full power. The convention of 1893 was composed largely of expectant aspirants to federal offices under the new democratic administration; and while the few who in the meantime had been chosen remained loyal to their ostensible principles, the easy or natural tendency of the time to flock to the silver standard was stimulated, in the case of the many who were left, by disappointment or revenge. The second powerful factor which worked to Bryan's advantage was the increasing hard times. Free silver was a siren note to sing to people in those pinching conditions, and, falling from his silvery tongue, was to the many irresistibly seductive. On the 28th of August, 1894, the *World-Herald* made the important announcement that from September 1st William J. Bryan would be its editor-in-chief. Mr. Gilbert M. Hitchcock made the statement that the general management of the paper would continue in his hands, but that "its editorial policy will be mapped out by Mr. Bryan from time to time along the line of his well known political convictions." This event insured the permanency of the fusion policy of the democratic party.

The campaign was desperately fought on both sides. As we have seen in the foregoing pages, fusion of the democrats with insurgent republicans had often been attempted but without successful results. This year, however, for the first time, these diverse elements had a leader in William J. Bryan peculiarly adapted to getting and holding them together and especially for making the most of the misdoings and misfortunes of the party in power. Persistent bad crops, for which it was not responsible, could be played against it more effectually, even, than the persistent bad administration for which it was responsible. The majority had been so long and so successfully taught that general economic prosperity, so natural and inevitable that the worst government seemed inconsequential, were due to the party which had continually been in power,

that it was quite consistently held responsible for the pinching adversity. And then the republicans had been so long accustomed to political success under vicious corporation leadership and government that they were very slow to comprehend or care for the ominously increasing demands for reform.

Majors, the republican candidate for governor, was emphatically a politician of the school which naturally arose and flourished after the Civil war—a blend of the "old soldier" and the railroad servant. His army record had been good in the South and on the Plains in the Indian war of 1864; he was a good neighbor, with a large local following; and throughout the state one of "the boys." But the *Bee* on the republican side and the democratic and populist press on the other side so aggressively exposed his now misfit virtues that his respectable opponent, whose merits were mainly negative, was victorious by a vote of 97,815 to 94,113 for his putatively popular antagonist.

William J. Bryan made a campaign for a vote of preference for the office of United States senator; but John M. Thurston, his republican opponent, refused to enter the contest in that manner. Bryan received 80,472 votes, Thurston 1,866, and C. E. Bentley, the prohibitionist candidate, 25,594. The opposition candidates for seats in the lower house of Congress received heavy support, but only one of the six, Omer M. Kem of the sixth district, was elected. Though fusion had been successfully accomplished for the head of the state ticket, it failed in detail, as illustrated by the disorderly factionism in the second, third, and fourth Congress districts, which insured, if it was not wholly responsible for republican success.

The legislature promptly restored the sugar bounty which its predecessor had repealed. The revived act provided for a bounty of five-eighths of a cent a pound for sugar manufactured from beets, sorghum, or other sugar yielding canes grown in Nebraska, on condition that the product should contain ninety per cent crystallized sugar and that the manufacturer should have paid as much as \$5 a

ton to the producer for them. Three-eighths of a cent additional was yielded to factories established after the passage of the act. Republicans were more obtuse than the populists in thus persistently pressing this gratuity upon the despotic, insatiable, and faithless sugar trust—or else they were incorrigible. The attorney-general, state auditor, and state treasurer were constituted a state banking board with power to appoint a secretary at \$1,500 a year. The legislature appropriated \$50,000 for the relief of persons who were in want on account of dry weather and hot winds, the existing commission of nine members to control the distribution of this fund. The sum of \$200,000 was appropriated for supplying seed and food for teams during the spring of 1895. Another act authorized the county boards of the several counties to issue bonds for an amount not exceeding \$50,000 for seed and food for teams. Still another authorized county boards to use surplus general funds and county bridge and road funds for the same purpose. Another act authorized the loaning of sinking funds and other surplus funds of counties and townships for supplying seed and food for teams, for which notes should be taken running not less than twelve months nor longer than twenty-four, with annual interest at the rate of seven per cent, one per cent of which should go to the county treasurer for the expense of transacting the business. County commissioners were also authorized to use any surplus in any precinct bond fund for seed and feed for teams. The sugar bounty bill was vetoed by Governor Holcomb and passed over the veto by a vote of sixty-eight to twenty-three in the house and twenty-five to five in the senate. Those voting nay in the senate were Bauer, Campbell, Dale, Sprecher, Stewart, all populists; but two populists voted aye. In the house five democrats and eighteen populists voted nay and none of either party aye. As might have been expected in the reactionary political conditions, there was no constructive or progressive legislation in this session.

Encouraged by their success of 1895, but unwisely forgetting their reverses of the years

before, the republicans nominated for the head of their ticket, John H. MacColl of Dawson county, widely reputed as a railroad man of the old school and substantially a replica of the Majors nomination of 1894. The populists and regular democrats renominated Governor Holcomb and the handful of gold democrats, with fatuous persistency, nominated Robert S. Bibb of Gage county. The *Omaha Bee* again opposed the republican candidate and threw its influence in favor of Holcomb, who was elected by a vote of 116,415 against 94,723 for MacColl, 3,557 for Bibb, 5,060 for Joel Warner, prohibitionist, and 913 for Richard A. Hawley, nationalist. In the congressional contests the fusionists came back overwhelmingly. There was formal fusion of democrats and independents in all the districts, and the republican candidates were successful in only two of them. In the first district Strode was reelected over Jefferson H. Broady by a slender margin of 17,356 to 17,113; and in the second district, Mercer also was reelected, receiving 14,861 votes to 13,286 for Edward R. Duffie; in the third district Samuel Maxwell defeated Ross L. Hammond by 23,487 to 18,633; in the fourth, William F. Stark defeated Eugene J. Hainer by 20,515 to 18,844; in the fifth, Roderick D. Sutherland defeated William E. Andrews by 18,332 to 15,621; in the sixth, William L. Greene defeated Addison E. Cady by 19,378 to 14,841. On the average the all-round ability of the republican and fusionist candidates was nearly equal, but the republicans had the advantage of measurably greater stability. All the other fusion candidates of the state ticket were elected by majorities somewhat less than Governor Holcomb's lead.

The seventeenth legislature met in the fifteenth regular session, January 5, 1897, and finally adjourned April 9th, the seventy-fourth day. The senate comprised seventeen independents, seven democrats, seven republicans and two silver republicans; the house, forty-nine independents, twenty-eight republicans, twenty-one democrats and two silver republicans. Frank T. Ransom, silver republican, of Douglas county, was elected temporary

president of the senate and James N. Gaffin, independent, of Saunders county, was elected speaker of the house, receiving 68 votes against 29 for George L. Rouse, republican, of Hall county. Frank D. Eager, independent, was elected chief clerk. There were scandalous charges of bribery at the Douglas county elections, and, after an investigation, John Jeffcoat, democrat, was seated in the senate in place of J. H. Evans, republican, by a vote of 17 to 13. There were ineffectual attempts by this legislature to get hold of the key to the coming reform revolution by passing a law prohibiting the issue and use of free railroad passes. House roll 40, a sweeping prohibition; house roll 336, which applied only to officeholders; house roll 418, applying to delegates to political conventions, were all indefinitely postponed. A bill limiting passenger fare on railroads to two cents a mile (H. R. 419) met the same fate. The most notable measure of the session was an act providing for the regulation of stock yards and fixing the charges thereof. This tardy victory was proof and product of the improvement of this legislature over its predecessors, both as to mind and morals; for theretofore all measures of this kind had been defeated by fair means or foul. But in the gauntlet of the court it was turned into a barren victory. Judge Smith McPherson, of the southern district of Iowa, presiding in the circuit court of the United States for the district of Nebraska, decided that the act was invalid on account of its defective title.

At the election of 1897, John J. Sullivan, fusionist, defeated Alfred M. Post, republican, both of Platte county, for judge of the supreme court by a vote of 102,828 to 89,009. Charles W. Kaley and John N. Dryden, republican candidates for the office of regent of the University, were defeated by E. Von Forell and George F. Kenower, fusionists. In 1898 the republicans of Nebraska for the first time declared definitively in favor of the modern money standard: "We are in favor of the maintenance of the present gold standard and unalterably opposed to the free and unlimited coinage of silver." This declaration was timely, because it contributed toward reassuring

and calming the skeptical and unsettled state of the public mind. Such an avowal, made two years, or one year, before, in the full of the perturbation, would have had more moral merit, because it would have cost something—courage and perhaps temporary disadvantage. Only the new craft challenges the gale with full sail. The republican party had then so long fed on power that its only thought was to trim to conserve it. In this emergency, whatever merit lay in merely being good ballast, it deserved. A few years later Attila Roosevelt, scourge of standpatism, perceived that the ballast stage was counted as the Past, and led on again with sails.

William H. Thompson, chairman of the resolution's committee of the democratic convention of the same year, fatuously declared that the free coinage of silver at the ratio of 16 to 1 ought to be kept for the paramount issue of 1900. In the same convention, Constantine J. Smythe, attorney-general, said in a speech that Judge Charles L. Hall of the district court of Lancaster county, where Eugene Moore, state auditor, had been prosecuted on the charge of converting to his own use insurance fees to the amount of \$23,208.05, said he was guilty; that Judge Cornish of the same court, also said Moore was guilty; and that Judge Sullivan of the supreme court, said he was guilty; but the other two judges, Norval and Harrison, said that he was not guilty and two were stronger than one. Moore agreed to certain facts before Judge Albert J. Cornish, of the district court of Lancaster county, who thereupon found him guilty and sentenced him to the state penitentiary for a term of eight years. On appeal, the judgment of Judge Cornish was reversed by the supreme court on the technical ground that Moore had not the legal authority to collect the insurance fees for the misappropriation of which he had been convicted. The court held that the insurance companies, by mistake, paid the fees to the auditor when they should have been paid to the treasurer. This was not the first case in which official embezzlers had escaped justice through sheer technicality of the supreme court. Such lapses of justice are now boldly

characterized by the press and the public in general. Judge Sullivan, in his dissenting opinion, cited a case tried before Judge David J. Brewer — afterwards a judge of the United States Supreme Court — in which he shattered a similar defence by apparently common sense logic. "But we hold that when one assumes to act as agent for another, he may not, when challenged for those acts, deny his agency; that he is estopped, not merely as against his assumed principal, but also as against the state; that one who is agent enough to receive money is agent enough to be punished for embezzling it." The state also brought a civil suit in the district court of Lancaster county to recover those fees from Moore. The case was tried before Judge Charles L. Hall and judgment was rendered against Moore, but the supreme court reversed it on the same ground as that on which it had reversed the criminal case.

In 1898 William A. Poynter, fusionist, was elected governor over Monroe L. Hayward, republican, by a vote of 95,703 to 92,982, and the rest of the fusion candidates for state offices were elected by majorities about the same as Poynter's majority. Republicans carried the first and second congressional districts and the fusionists the other four.

The republicans came back into power in the legislature of 1899, having twenty-one members of the senate against twelve fusionists, and fifty-two members of the house against forty-eight fusionists; two of them, however, were unseated during the session. Adolph R. Talbot of Lancaster county was temporary president of the senate and Paul H. Clark of Lancaster, speaker of the house. Hayward was rewarded for his sacrifice in the campaign of 1898 by election for United States senator, but died before taking his seat. The choice of Hayward was simply a republican recourse to respectability in lieu of, or as a sop to reform, which the party was not yet prepared directly to endorse. Hayward had been a competent and thrifty business lawyer with a dignified leaning toward politics, but lacking real equipment for statesmanship and the instinct and the impulse for reform which are now essen-

tial to the acceptable statesman. While he was not notoriously and essentially a railroad attorney, like Thurston, for example, yet he was regarded as the local attorney, with the implication of next friend, of the Burlington company. Indeed, it would have been difficult to find, at that time, a virile politician who was not a railroad politician. Hayward had never evinced sympathy with reform aspirations. He was, therefore, as much out of joint with the times as Dietrich and Millard.

Governor Holcomb, in his farewell message, said that Nebraska had furnished for the war with Spain three regiments of infantry of maximum strength — 1,326 men — and one troop of cavalry. He drew rather a lugubrious picture of the western part of the state on account of the successive years of drouth. His financial statement showed that at the beginning of 1894 there were funding bonds outstanding to the amount of \$449,267.35; grasshopper relief bonds, \$100,000; general fund warrants, \$577,825.75. At the close of 1896 there was \$468,267.35 in bonds; \$1,936,273.47 in warrants, a total of \$2,404,540.82. In November, 1898, there was \$153,267.35 in bonds and \$1,571,684.01 in warrants, a total of \$2,724,951.36. This condition showed shameful mismanagement and violation of the constitution.

The legislature of 1899 amended the non-compulsory primary election law; passed the first corrupt practices act; created a food commission under the fiction imposed by the inadequate constitution constituting the governor the commissioner but authorizing him to appoint a deputy to do the work at a salary of \$1,500 a year; established a soldiers' and sailors' home at Milford and appropriated \$2,000 for the relief of sick and wounded soldiers of the First regiment, Nebraska infantry, in the Philippine Islands, and a like sum for the Third regiment then in Cuba.

In a fierce struggle for control of the delegation from Lancaster county to the republican state convention of 1900 David E. Thompson successfully opposed most of the leaders of the party in Lincoln, including Charic H. Gere, editor of the *State Journal*, Allen W. Field,

Frank M. Hall, Genio M. Lambertson, Robert E. Moore, and Charles O. Whedon. The county convention passed a resolution favoring Thompson as a candidate for United States senator. The sudden and forceful advent of Mr. Thompson into politics and his starting of the *Lincoln Daily Star* — in 1902 — had the salutary effect of driving the *Journal* from its nearly lifelong standpatism into measurable progression; a very timely change for the *Journal*, withal, inasmuch as it was borne to greater prosperity on the incoming tide of republican insurgency while the *Star* was left on the flats of receded standpatism.

At the presidential election of 1900, electors for William McKinley, republican, carried the state against those for William J. Bryan, democrat, by a majority of about 8,000. The prohibition candidates received about 3,600 votes; the middle-road populists, about 1,100, and the socialists about 800. Governor Poynter was defeated as a candidate to succeed himself by Charles H. Dietrich of Adams county, by a vote of 113,018, to 113,879; John S. Robinson of the third congressional district, William L. Stark of the fourth, Ashton C. Shallenberger of the fifth, and William Neville of the sixth, all fusionists, were elected members of the federal House of Representatives; Elmer J. Burkett and David H. Mercer, republicans, were elected in the first and second districts.

In the senate of the legislature of 1901 there were nineteen republicans, twelve fusionists, and two democrats; in the house of representatives, fifty-three republicans, thirty-four fusionists, ten democrats and three populists. The acts of this session were prolific of boards and commissions. The exciting episode or more accurately, the principal business of the session, was the election of Governor Charles H. Dietrich, and Joseph H. Millard of Omaha for United States senators. The contest continued from January 15th to March 28th, inclusive, the election occurring on the fifty-fourth ballot, the successful candidates receiving all of the seventy republican votes. David E. Thompson of Lancaster county, afterward ambassador from the United States

to Mexico, was apparently the most formidable candidate through the greater part of the contest. March 20th, his vote rose from a range of about 36 to 56, after an alleged caucus. He reached his highest vote, 59 — six short of success — March 22d and March 26th, and withdrew March 28th. Though unable to gain the prize himself, he had strength enough to dictate the election of the two successful candidates. William V. Allen, incumbent, started in with 57 votes, as a candidate to fill the vacancy caused by the death of Senator Hayward; and W. H. Thompson, candidate for the full term, received 58 votes. On the second ballot, Gilbert M. Hitchcock had 57 votes, Allen 57. Allen received a high vote all through the contest but his highest was the same as Thompson's — 59 — lacking six of election. On the last ballot Allen had 58 votes. W. H. Thompson, 52, Hitchcock, 8. Edward Rosewater received from 14 to 16 votes most of the time; and from the forty-seventh to the fifty-third ballots from 29 to 32, the last being his highest number. Dietrich was chosen for Hayward's unexpired term.

It was strenuously alleged that David E. Thompson at a critical time during the contest made a bargain with the fusionists for enough votes to secure his election. The alleged formal agreement to that end was published in the newspapers, and many affidavits and less formal assertions were made by members of the legislature that they knew that the signature of Mr. Thompson to the compact was genuine. While this alleged agreement did violence to the code of party fealty then in vogue, yet such of the concessions as were not innocuous and therefore inconsequential were creditably progressive. The two new senators were entirely antipathetic to the reform spirit which had at last filtered through the bourbonism which had encrusted the state since its beginning.

During the year 1901 both of the old parties began to comprehend that the demand for reform legislation and especially for the abolition of railroad passes was in earnest if not in a revolutionary temper. In the democratic convention of that year the resolutions committee refused to report a declaration against

the use of railroad passes by officeholders, offered by Edgar Howard of Platte county, but when he included newspaper passes the bob-tail concession to reform was accepted.

The republicans dodged this issue but righteously faced another more pressing. Joseph S. Bartley, state treasurer, 1893-1897, embezzled \$555,790.66 of the state funds, for which he was sentenced to twenty years in the penitentiary and a fine of \$303,768.90. Ezra P. Savage, lieutenant-governor, having succeeded Governor Dietrich when he became United States senator, paroled Bartley for sixty days. The republican state convention, August 28, 1901, by a vote of 998 to 165, demanded the recall of the parole which would have expired September 13th. Savage contended in the convention that Bartley, if let alone, would restore the amount for whose loss he was responsible, estimated at \$325,000; and Charles O. Whedon pleaded, in palliation, that when Bartley went out of office he left to his successor \$1,042,000 and added large sums afterward, some on the day of his arrest. The convention hissed the delegates from Lancaster county when they voted against the resolution. Edward Rosewater and Addison E. Cady spoke strongly for it. Nevertheless, on the 21st of the following December, Savage commuted Bartley's sentence to five years, seven months, and eight days, thereby stirring up hot public indignation. There was and remains strong suspicion that over thirty thousand dollars was spent to procure this pardon. It is circumstantially related that Governor Poynter was corruptly approached for the same purpose. Governor Mickey declared in his annual message of 1907 that, "the people were robbed of this immense sum which had been exacted from them, to run the government, in times of financial distress." The liability of Bartley's bondsmen and others involved in his transactions was safely lost in the mazes of the court.

The easy sailing for the republicans continued in 1904. Governor Mickey was reelected governor, receiving 111,711 votes to 102,568 cast for George W. Berge, fusionist. The republican convention this year made an initiative step toward the voluntary submission of

the choice of United States senators to the people, which was formally adopted by the so-called Oregon pledge law enacted by the legislature of 1909. Mr. Burkett's election was unanimously recommended by the convention of the year in question. This was the high tide year of republicanism. The opposition could not claim a single member of the senate elected that year, and in the house there were ninety-one republican members to nine fusionists. Of the forlorn band of fusionists two came from Richardson county, one from Platte, two from Butler, one from Polk, one from Holt, one from Custer and Logan. W. H. Jennings of Thayer was temporary president of the senate and George L. Rouse of Hall, speaker of the house. Theretofore conservative if not reactionist, the old party was fast catching the revolutionary reform spirit from President Roosevelt; and for the first time, in Nebraska, it set about resolutely to pass vital reform legislation, or to try to do so; but effective regeneration could not be assimilated at a single sitting, and so the real work was postponed to the following session of 1907. In their convention—September 14, 1905—republicans declared in favor of primary elections for all public offices and that, "We believe that the giving of free transportation upon railways is detrimental to the interests of the people and recommend that a law be enacted by the legislature of this state to prohibit it." George L. Sheldon's positive stand for those reform measures brought him the governorship the next year. The democrats, at their convention, September 20th, also first definitively committed themselves to the vital reform measures. They declared in favor of a general primary election system, of the initiative and referendum, and demanded that members of the legislature and judges must give up all railroad passes. Judge William G. Hastings, whom the convention nominated for judge of the supreme court, introduced a resolution demanding the passing of a law making it a criminal offense to give or accept free transportation except in case of bona fide employees and genuine cases of charity, and it passed with one negative vote—that of Glo-

ver of Hamilton county, who thought the inhibition an infringement on individual rights. This declaration — Mr. Bryan's contribution — was passed without dissent: "We denounce the acceptance of the Rockefeller gift by the regents of the university, and demand the withdrawal and the return to Mr. Rockefeller of any money that may have been received from him." But public opinion remained too sordid to appreciate or appraise the moral value of this sentiment. The money — \$66,000 — was accepted and the building stands as a monument to the still lurking Machiavellianism of public moral sentiment, namely, that the end justifies the means. Perhaps the University, in its great need for better housing, has been a material gainer by accepting this gift from funds which the people, owners and sponsors of the institution, hotly declared had been taken from them by the most piratical and unlawful methods. The least that can be said about this bewildering puzzle in ethics is that thousands of the staunchest friends and enforced supporters of the University have been stung to the quick by this, as it seems to them, venal lapse from common moral principle and will go on believing that the University is a loser by such methods in both the material and spiritual aspect.

There were only fifty delegates from twenty-three counties in the populist convention this year, and the democrats conceded them only one candidate — for regent — upon the state ticket. Charles B. Letton, republican, was elected judge of the supreme court over his fusion competitor, William G. Hastings, by a vote of 96,167 to 72,949, and the two republican candidates for regent of the University were elected by approximately the same majority.

The contrast between what was said and what was not said by the republican convention of 1904 and its declarations of the next year are comical if taken seriously at all. In 1904 the vital state questions were not referred to, while the convention sorrowed over the loss of "another gifted and beloved leader, Senator Marcus A. Hanna"; and it recommended John L. Webster, who continues to

pride himself on his arch-standpatism, as a candidate for vice president. A florid puff for the insurgent President Roosevelt added variety to the peculiar mixture. The culmination and positive expression of anti-pass sentiment in 1905 precipitated an epidemic of reform hysteria among the politicians. The more susceptible of the state officials vied with one another, not only in giving up the until now cherished tokens of railroad favor but in doing it in the most ostentatious manner. Those of us who had witnessed the periodical religious revivals in our earlier country settlements were struck with the similarity of the emotional manifestation. In the height of the excitement in those revival meetings, women would not infrequently tear brooches from their breasts and rings from their ears and disdainfully throw them upon the floor — usually, however, to be restored on the restoration of normal temper. But the sacrifices of the religious neophytes were at least sincere.

The new awakening naturally culminated — at a convention held in Lincoln, August 22, 1906 — in the nomination by the republicans of George L. Sheldon of Cass county, for governor on the second ballot, the several standpat aspirants receiving but slender support. The declarations of the platform were consistent with the well known views of the candidate and were direct and unequivocal. They censured the Burlington & Missouri and Union Pacific railroads for having refused to accept the valuation of their property by the state board of equalization; demanded that the next legislature should enact a direct primary law for the nomination of all state, county, and district officers, including United States senators and members of the lower house of the federal Congress, favoring in the meantime the nomination of United States senators by state conventions; demanded an amendment of the federal constitution providing for the popular election of United States senators; demanded the passage of a stringent anti-pass law by the next legislature; favored and approved the proposed amendment for an elective railroad commission and declared that if it should not be adopted at the

election the legislature must pass laws to give the state the same advantages as Congress had already given the nation under the "railroad rate bill"; declared in favor of the taxation of railroad property within cities and villages the same as other property for municipal purposes; and favored the passage of an equitable compensation act for employees of corporations. The convention praised the fight by state officers against conspiring trusts—the net result of which was to promote Attorney-General Norris Brown to a United States senatorship.

The dramatic feature of this convention was the appearance and defeat of Edward Rosewater for the United States senatorship to which he had long aspired. On the first ballot the vote was 401 for Norris Brown of Buffalo; 273½ for Rosewater. The remaining 153½ were divided among four other candidates, 46½ going to Joseph H. Millard, the outgoing senator. Brown was nominated on the sixth ballot with 433 votes against 291½ for Rosewater. Mr. Rosewater's highest vote was 306½—on the fifth ballot. The whilom doughty editor's speech at the close of the contest impressed the listeners as a premonitory farewell. He died suddenly in the *Bee* building August 30th, but a week and a day after the curtain had been drawn in the convention over his political aspirations. Mr. Rosewater may fairly be called the Joseph Pulitzer of Nebraska journalism, though the New Yorker was distinguished by genius in his profession where the Nebraskan was limited to great talent. They were alike in the characteristics of independence, progressiveness, and relentless pursuit of their journalistic quarry, to slight extent respecters of persons. While the *Bee* did very effective constructive work in the building of Nebraska, its most important field of influence, perhaps, was unhorsing political grafters and exposing administrative corruption and other abuses. To have established a dominant newspaper, such as the *Bee*, upon original and persistent insurgency, anticipated full thirty years, was a great achievement.

The democratic convention nominated Ashton C. Shallenberger of Harlan county for

governor upon the first ballot, George W. Berge of Lancaster county being his principal competitor. The resolutions adopted by the convention promised that if the democrats should get into power they would enact a stringent anti-pass law; taunted republicans upon their neglect to enforce the law of 1897 which in effect prohibited the issue of railroad passes to officeholders and delegates to conventions; denounced the last republican legislature for defeating the anti-pass law; and declared themselves in favor of enacting a maximum two-cent passenger bill.

The discriminating public, however, was inclined to look backwards a few years to the neglect of the fusionists themselves, when they were in power, to keep their positive and implied pledges for reform. Now that the republicans had manifested complete conversion to a progressive program, they reaped the advantage of their normal majority in the state. Sheldon, for governor, received 97,858 votes to 84,885 cast for Ashton C. Shallenberger, democrat, who was the nominee of the people's independent party as well as of his own. Harry T. Sutton, prohibitionist, received 5,106 votes, and Elisha Taylor, socialist, 2,999. The preferential vote for candidates for the United States senatorship was taken in earnest this year, Norris Brown, republican, receiving 98,374 votes to 83,851 for William H. Thompson, his democratic opponent. The republican candidates for member of Congress were successful in five of the six districts; Gilbert M. Hitchcock of the second district being the only successful fusion aspirant. Ernest M. Pollard was elected in the first district, J. F. Boyd in the third, Edmund H. Hinshaw in the fourth, George W. Norris in the fifth, and Moses P. Kinkaid in the sixth. The proposed amendment providing for an elective railway commission was carried by the overwhelming vote of 147,472 to 8,896, and three republican railroad commissioners were chosen at the same election.

The republican candidates for membership of the legislature were also overwhelmingly successful. The senate contained twenty-eight republicans, three people's independent

and two democrats; the house, sixty-nine republicans, twenty-six people's independent and five democrats. The legislature kept the platform pledges of the party with remarkable fidelity. Among the progressive laws which it enacted are a railroad employers' liability act; a general primary election law; an act revising the pure food law; an anti-lobbying law; a sweeping anti-pass law; a law fixing two cents as the maximum rate for passenger travel; a law providing for the issue of railroad mileage books and a terminal railroad taxation law. This unique body in its reform enthusiasm kept the pledge of the democrats also in the passage of the most radical, if not the most important measure of the session, the two-cent rate bill.

The liquor question, which had been almost dormant, politically, for many years, was probably precipitated by an act prohibiting brewers from holding any interest in saloons. It passed the senate by a vote of 25 to 4 and the house by 67 to 21. The two-cent passenger rate bill passed the house without opposition, receiving 90 affirmative votes, and the senate by 27 to 4. Burns of Lancaster county, Glover of Custer, Gould of Greeley, and Hanna of Cherry, all republicans, were the four opponents of this measure. A bill was also passed making a flat reduction of fifteen per cent in freight rates. Both the passenger and freight enactments are still in force although their validity is being tested in the courts.

The first general primary election in the state was held September 3, 1907. At this election Manoah B. Reese, republican, of Lancaster county, was nominated for judge of the supreme court, receiving 30,111 votes against 22,757 cast for his competitor, Samuel H. Sedgwick of York county. George L. Loomis of Dodge county received the democratic and people's independent nomination for the judgeship. The republicans elected their ticket, which included, also, a railroad commissioner and two regents of the University. Judge Reese received 102,387 votes; Judge Loomis, 77,981. Under the new primary act state conventions of the several parties were author-

ized to be held in Lincoln, on the fourth Tuesday of September of each year, for the purpose of adopting platforms and for conducting the business of the party organizations. These conventions were first held September 24, 1907. The democratic convention of 1908 for choosing delegates to the national convention instructed the delegates to vote for the nomination of William J. Bryan for president; and the people's independent convention was a side-show in this respect. The republican convention was friendly to the nomination of Taft but the delegates were not instructed. At the election of 1908 there was a friendly feeling toward the candidacy of Mr. Bryan and he carried the state, receiving a very complimentary majority. The maximum vote for democratic electors was 131,099; for republican electors, 126,997. The highest vote for a prohibition candidate was 5,179; for a socialist candidate, 3,524.

Three influences contributed to the election of Shallenberger over Sheldon and by a larger majority than that received by Mr. Bryan. The state ticket was the beneficiary of the friendliness toward the home candidate for the presidency; Governor Shallenberger was an exceedingly virile and taking campaigner, greatly excelling his competitor in this respect; and the liquor interests apparently favored somewhat the democratic state ticket. Shallenberger received 132,960 votes against 125,976 for Sheldon; and W. H. Cowgill, democrat, was elected railroad commissioner over J. A. Williams, the republican incumbent; John A. Maguire, democratic candidate for member of Congress in the first district, defeated Ernest M. Pollard, the republican incumbent; Gilbert M. Hitchcock, democrat, was reelected in the second district; James F. Latta, democrat, was elected in the third district. The republican candidates were successful in the other three districts, though in the fourth district, C. F. Gilbert, democrat, was defeated by Hinshaw, the republican incumbent, by the narrow margin of 21,819 to 22,674 and F. W. Ashton was defeated by George W. Norris in the fifth district by the still narrower margin of 20,627 to 20,649. The two amend-

ments to the constitution increasing the number of judges of the supreme court from three to seven and their salaries from \$2,500 to \$4,500; and enlarging the field for the investment of state educational funds so as to include registered school district bonds of this state and "such other securities as the legislature may from time to time direct," were both adopted — the first by 214,218 to 16,271; the second by 213,000 to 14,395. The democrats also controlled the legislature; having nineteen members of the senate against thirteen republicans and one people's independent, and sixty-five members of the house against thirty-one republicans, two people's independents, and two fusionists. Though the republicans apparently left the democrats nothing to conquer in the world of reform they discovered and appropriated several important measures. The twenty-third legislature met in the thirty-first session, the twenty-first regular session, January 5, 1909, and finally adjourned April 1st of that year — the sixty-fifth day. George W. Tibbets, democrat, of Adams county, was elected temporary president of the senate, and Charles W. Pool, democrat, of Johnson county, speaker of the house.

The most notable enactment of the session was that requiring all saloons in the state to be closed from eight o'clock in the evening until seven in the morning. This was the first amendment of great importance to the Slocumb license law, which had been in force ever since 1881; and it broke like a thunderbolt upon the saloon interests. It grew out of a comparatively unimportant and innocent bill (S. F. 283), introduced by Senator Wiltse, republican, which merely required the closing of saloons on primary election days.

Other notable enactments of the session were a bank guaranty law, patterned after that which had become notorious in Oklahoma; a corporation occupation tax; an amendment of the closed primary law permitting voters to receive and cast ballots at the primary elections without requiring from them any declaration as to their party affiliations, past, present, or future, commonly known as the open primary; a fire commission, a supplement to fire insur-

ance; a law providing that judicial and educational officers should be elected without any partisan distinction. Unfortunately the supreme court found it necessary to annul this very desirable measure because of a technical defect in its form. As has already been shown, the people had found the way to virtually choose United States senators by their own popular vote, but this legislature put the new departure into better form by passing what is known as the Oregon pledge law, which permits candidates at the primaries for membership in the legislature to pledge the public that in case they shall be elected they will vote for that candidate for the United States senatorship who receives the highest vote for that office at the general election next preceding the election by the legislature.

In the campaign of 1910 all normal calculations were upset by the injection of the prohibition question and the invasion of the democratic ticket by large numbers of republicans through the opportunity offered by the open primary law which had been passed at the late session of the legislature. While Governor Shallenberger had incurred the bitter hostility of the extreme liquor interests by signing the eight o'clock closing law and, naturally, in the circumstances, had not recouped from the strong partisans of prohibition or county option, yet his administration had been so virile and his personality in general so taking, that his renomination and reelection were generally conceded by politicians. But the aggressive pro-saloon republicans, to the number of about 15,000, voted for James C. Dahlgren, the democratic mayor of Omaha, and he was nominated over Shallenberger by the narrow margin of 27,591 to 27,287. If the governor had stood firmly on his well-known opposition to county option, he would have been renominated. His announcement to the democratic convention that he would sign a county option bill, if one should be passed, was bad politics as well as bad statesmanship. Chester H. Aldrich, a radical partisan of county option, was nominated by the republicans. At the same primary Elmer J. Burkett was nominated by the republicans to succeed

himself as United States senator, and Gilbert M. Hitchcock of Douglas county, was nominated by the democrats.

The conventions of the democratic and republican parties for 1910, held according to the primary election law on the 26th of July, were unusually exciting, the temporary perturbation of the democrats amounting to turbulence. Their convention was held at Grand Island, and W. J. Bryan started the trouble by an aggressive advocacy of a county option plank as follows: "We favor county option as the best method of dealing with the liquor question." The extreme or Dahlman element offered the following plank: "We favor local option as now provided by law but are opposed to county option." The Bryan plank was rejected by the overwhelming vote of 647 to 198 and the Dahlman plank by 638 to 202. The plank proposed by the majority of the resolutions committee was adopted without division: "We oppose county option and making any other plan of dealing with the liquor traffic a question of party creed. We favor strict enforcement of the present law, and any change therein should be made only by direct vote. We do not believe that good government and good morals are best subserved by dividing the people into hostile camps on strictly moral questions." This was a palpable evasion of a question upon which the public mind had sharply divided, and it was verbose at that. A plank endorsing the eight o'clock closing law was adopted by a vote of 710 to 163. Bryan invited another defeat by seeking to amend a motion by Gilbert M. Hitchcock providing that amendments to the platform should only be considered through the media of majority or minority reports. The proposed amendment was defeated by 465 to 394. This was the first defeat that Mr. Bryan had suffered in a democratic convention in Nebraska since his spectacular fight against the gold democrats in the convention of 1893.

Republicans saw in wooing the increasing prohibition sentiment the only opportunity of defeating Governor Shallenberger, whose re-nomination was expected as a matter of

course; and so at their convention, held in Lincoln, they adopted a county option plank. The minority of the resolutions committee, led by John L. Webster of Omaha, sought to evade the issue by declaring that a question within the purview of the police power had no place in a political platform, but the flat declaration for county option was preferred to this compromise by a vote of 558 to 276. This convention was thoroughly insurgent in spirit and action. Even the long scorned "populistic" initiative and referendum, though rejected by the resolutions committee, was taken up by the convention and adopted by the decisive vote of 524 to 289. A resolution offered from the floor by Congressman George W. Norris, denouncing Cannonism and approving the insurgent movement in and out of Congress, was also carried by a decisive majority. Thus democrats and republicans vied with one another in espousing radically progressive measures while each party was sharply divided on the prohibition question.

There was much bad logic wasted in both conventions in attempting to differentiate prohibition, which for the time was called county option, as a moral question. Mr. Bryan, especially, emphasized this contention in a specious declaration that the question being moral was therefore one of right or wrong and therefore he must be for prohibition because that was right and nobody could afford to be wrong. Many thoughtful and disinterested people regard the question of license or prohibition as one of expediency to be decided upon one's best judgment as to which plan would more satisfactorily deal with the admitted evils of the liquor traffic. The oppression of the trusts and of the beneficiaries of the tariff is no less immoral than the evils growing out of the liquor traffic; and, by a like facile assumption that they are moral issues, they, too, might be taken out of their proper arena of politics.

Mr. Bryan declared that "The people of Lincoln are so well pleased with having closed its saloons that they will not be terrified into opening them again by threats of the removal of the state capital." Nevertheless,

within a few months, the people of Lincoln, confronted by a removalist legislature, were so terrified at the menace, that the procurement of liquor was facilitated to the uttermost, and on the very heels of the terror—which abated only with final adjournment of the legislature—they voted saloons in again by a decisive majority.

The result of the election indicated a preponderance of public opinion in the state against prohibition—particularly spreading prohibition through the medium of county option in contradistinction to the usual plan of municipal option. The attitude of James C. Dahlman toward the liquor question was so fantastically unmoral as to make him an unavailable candidate, and his defeat was therefore inevitable. Aldrich, republican county optionist, received 123,070 votes; Dahlman, 107,760. The rest of the republican state ticket was also elected, though by much smaller majorities than that of Aldrich. Charles W. Pool, democratic candidate for secretary of state, for example, received 111,137 votes against 111,229 cast for his competitor, Addison Wait. Gilbert M. Hitchcock, democratic candidate for United States senator, received 122,517 votes against 102,861 cast for Burkett, republican. The democrats gained both houses of the legislature, having fifty-four members of the house to forty-five republicans and one people's independent; and nineteen senators against fourteen republican. The republicans, in the circumstances, had everything to gain, temporarily, and nothing to lose by risking their chances upon the throw of the prohibition die. Mr. Bryan won nothing in the contest except the defeat of Dahlman, his long time friend and party lieutenant; and since there was no increasing menace of the saloon interests, while on the contrary they had received in the shape of the eight o'clock closing law in the very last legislature, their most damaging blow since the passage of the Slocumb law in 1881, there was no plausible call for a sudden or radical change of attitude toward them. It seems that Mr. Bryan's sudden hostility may be attributed to complex impulses: to a mistake in local political diagnosis; to resentment against the liquor

interests which he thought had opposed his candidacy in 1908 and whom he hoped, by a virtual alliance with the republicans, to punish by the infliction of county option—near prohibition; and to a feeling that his relations toward the democratic party would now permit him to pursue a natural temperamental bent or predilection.

Mr. Bryan is, preëminently, an evangelist. His greatest work, in the political, and the more extended sociological field, has been done in the role of an exhorter of the religiously moral type. It is likely, therefore, that he has long felt that the saloon as an institution is fundamentally a wrong which ought to be outlawed as a matter of course. So long as he was the titular leader, or strove to be the real leader of a great national party, it would have been disastrous, alike to himself and the party, for him to espouse prohibition. So long as that relationship endured true statesmanship forbade such a course on his part. Had his personal bent become paramount in 1910, as against party leadership, or did he believe that national party success lay in prohibition? While for many years Dahlman had been very useful to Bryan, his own influence and patronage had given this favorite the principal basis for his political distinction and the prestige which put him into the important office of mayor of Omaha. Republican enthusiasm for the paramount "moral" issue of county option was so rushing and so gushing that it spent its force within a single year, and by discreetly dropping it the backslid converts were able to win a normal victory at the election of 1911.

The twenty-fourth legislature met in the thirty-second session—the twenty-second regular session—January 3, 1911, and finally adjourned April 6th of that year—the sixty-seventh day. The house of representatives comprised fifty-five democrats and populists and forty-five republicans. Only one member, Frank Dolezal of Saunders county, registered as "people's independent," but seven registered as democrats and independents—a distinction now without an appreciable difference. There were forty-seven "admitted" democrats in that body. John Kuhl, democrat, of Pierce county, was speaker. The sen-

ate comprised nineteen democrats and fourteen republicans. John H. Morehead of Richardson county, democrat, was temporary president.

In point of economy the public is a great gainer by the present method of virtually choosing United States senators at the polls, leaving to the legislature the formal constitutional duty of ratifying the popular choice. In the senate all of the democrats and all of the republicans but one voted for Gilbert M. Hitchcock according to the decision of the people at the general election of 1910. In the house the vote was not so nearly unanimous, though Hitchcock received 87 votes to 10 cast for Elmer J. Burkett, his republican opponent at the election. Two questions, the one largely growing out of the other, excited and kept up a lively interest during this session until they were settled. A county option license bill (H. R. 392) was defeated in the house by a vote of 50 to 48—not a constitutional majority. The fifty affirmative votes were cast by forty republicans and ten democrats; the forty-eight negative votes by forty-two democrats, one people's independent, five republicans. A similar bill introduced in the senate (S. F. 118) was defeated by the close vote of 16 to 17. Of the sixteen senators voting aye thirteen were republican and three were democrats. All those voting nay were democrats except one—Bartling, of Otoe county.

The great activity of republican leaders in Lancaster county in favor of county option, coupled with the fact that Lincoln had voted to abolish saloons, aroused the hostility throughout the state of the positive partisans of the saloons, and the people of various localities took advantage of this animosity to build up a formidable sentiment in favor of removing the capital from Lincoln. A bill (H. R. 246) providing for the removal of the capital was ordered to be engrossed for third reading in committee of the whole, but it failed of final passage in the house by a vote of 38 to 58. Another bill of the same nature (H. R. 382) was amended in the committee of the whole so as to provide that any city or village might become an aspirant for the capi-

tal at an election to remove it, under regulations prescribed by the bill. This change defeated the scheme of the removalists whose hope was based upon first carrying a simple proposition to remove the capital, thus excluding Lincoln from the resulting contest between the aspirants. A motion to not concur in the report of the committee of the whole was defeated by a vote of 18 to 58. The bill was abandoned at this stage, thus ending what in the earlier part of the session appeared to be a formidable movement.

This legislature was also fairly entitled to be called progressive, as shown by a considerable number of enactments along lines of modern growth. After a long contest stock yards were placed under the control of the state railway commission with power to regulate the service and charges of all kinds, a notable advance along the line of corporation control. A bill was passed authorizing all cities with a population of 5,000 or upwards to adopt the commission plan of government. The form prescribed is similar to the so-called Des Moines plan. This plan is not the best of its class, but a proposed amendment to the constitution permitting municipalities with a population of 5,000 to make their own charters will give a proper opportunity for the adoption of the most approved forms. One of the most important acts of the session was the passage of a joint resolution submitting an amendment to the constitution giving the people power to enact laws directly and to reject objectionable acts of the legislature. The rules under which the power may be invoked are calculated to check the excessive and inconsiderate use of the initiative and referendum which has resulted in other states where the principle has been adopted.

In the election of 1910 Chester H. Aldrich was elected governor over James Dahlman. Mr. Aldrich had been a member of the famous legislative session of 1907 and identified with many reform measures, but the democrats had a majority in both houses of the legislature of 1911. Mr. Aldrich was therefore restrained from placing a progressive republican program before the people. However, the session was distinguished by two

bills in particular; one, as mentioned on the preceding page, placed the stockyards under the control of the railway commission. This was largely due to the fine brand of generalship displayed by Senator J. A. Ollis of Valley county. The senate was closely divided on the "wet" and "dry" issue; Senator Ollis, with two or three "dry" democratic colleagues, joined the "dry" republicans and succeeded in gaining some control in the senate. The second measure of unusual importance was a one-mill levy for the extension of the University which, through a period of successful years, had outgrown its quarters and progressive extension became important. The question of the removal of the University from the city to the farm campus was submitted to the people through a referendum and lost.

In the campaign of 1912 the republican party was badly shattered by the stand of Theodore Roosevelt against the regular party nominee of the Chicago convention. Mr. Roosevelt had been instrumental in securing the election of William Howard Taft to the presidency, but on account of his conservatism turned against him for reelection. When the national convention renominated Mr. Taft, Mr. Roosevelt withdrew from the convention and formed the progressive or "Bull Moose" party. Mr. Roosevelt, by securing the nomination by the new party for the presidency, compassed the defeat of the republican party.

In the state election of 1912 Mr. Aldrich was defeated for reelection by John H. Morehead, who succeeded in holding his place through two elections. When Mr. Morehead became a candidate he announced himself as a one-term governor, but his leadership was so acceptable to his party that he was induced to run for a second term. There was much talk of a third term, but it did not materialize.

In the campaign of 1914 the split in the republican ranks made easy work for the democrats. Mr. R. Beecher Howell of Omaha was nominated for governor on the republican ticket, and Mr. Morehead on the democratic. The democrats elected their entire ticket with two exceptions. Mr. Fred Beckman (republican) succeeded himself as land commissioner, and Mr. A. O. Thomas (republican) was

elected state superintendent of public instruction.

The state election of 1916 was influenced in large part by the national issues and partly by the submission of the amendment to the constitution prohibiting the manufacture and sale of intoxicants within the state. The democratic party, under the leadership of Woodrow Wilson, accepted the progressive attitude and championed the peace policy. In the initial campaign, the democratic party within the state was torn asunder, but was able to recover. This trouble came about through the espousal of the temperance issue by the Bryan following. Mr. Bryan had resigned from the cabinet under President Wilson and had become a free lance. He immediately took up the crusade for a "dry" Nebraska and his brother, Charles Bryan, became a candidate for governor on the democratic ticket, accepting prohibition as a plank of his platform. The republicans nominated Abraham L. Sutton of Omaha for governor. Mr. Bryan lost in the primaries to Keith Neville. The democrats elected their entire ticket by majorities ranging from 1,300 for state superintendent to 41,000 for president. The constitutional amendment carried by a majority of 30,000.

The chief interest of the legislature of 1917 centered about the making of a "bone dry" law to enforce the provisions of the constitutional amendment. There is no doubt that the legislature came in with good intentions, but it was up to the liquor interests to make their last stand. The house of representatives passed the measure in good form, perhaps strengthened by national legislation, but the senate could not see its way clear to pass the measure until the close of the prolonged session. This session was marked by the number of farmers who were seated. Much progressive legislation was attempted and some excellent laws were enacted. Among the measures deserving special notice are the "bone dry" law, a limited suffrage law, state hail insurance, a law for the redistricting of the county for school purposes, and a law placing state and county superintendents on a non-partisan basis. The term of county superintendents was extended from two years to four years.

CHAPTER XXXII

MATERIAL GROWTH AND RESOURCES — AGRICULTURE — COMMERCE — MANUFACTURE — THE
GRASSHOPPER PLAGUE — DROUTHS — FARMERS' ORGANIZATIONS —
TRANS-MISSISSIPPI EXPOSITION

THEREFORE take no thought, saying, What shall we eat? or, What shall we drink? or Wherewithal shall we be clothed? For after all these things do the Gentiles seek: . . . But seek ye first the kingdom of God, and his righteousness; and all these things shall be added unto you." Buddha, second in importance, perhaps, of the world's great moral and religious leaders, anticipated these Christian sentiments in his teachings.

The vast, and perhaps paramount importance of economic development requires and excuses a little preparatory preaching. The favorite philosophy of earlier civilizations undertook to work from the top, downward, whereas our — we call it sociology — reverses the order and works from the bottom, upward. The great teachers and preachers among the ancients thought to bring about social amelioration by inspiring the people with righteous precepts. We seek the same end through appeal to enlightened selfishness — by magnifying the importance of physical goods and comforts and putting them within reach of all and by arming all with intelligence enough to enable them to enforce equity and righteousness. In the present sociological philosophy, so-called original moral precept is not superseded by enlightened or intelligent social force but they interact upon each other; the latter, however, doing the primary or principal pushing. The few and far between transcendental idealists of the ancients — exceptions or sports among natural men — sought to convert the normal people to their idealism by texts; we work out to the idealistic texts as the best expression of natural development. Our sociology turns the old Adam in people, which, in spite of ages of

precept, still abounds, upon itself to convince them that the less they manifest it the better off they will be.

In short, we are the very Gentiles the greatest of these transcendentalists contemned. And this is why Nebraska's material resources seem so important to us, and why we here seek to disclose, and contribute toward showing how the most may be made of them; and it is the real source of our state pride which this exposition will both illustrate and justify. For to reach these ends of individual and social advantage, which are closely related, there must be union and coöperation of a goodly number of people in a territory of sufficient area and economic resources comfortably to contain and maintain them. These conditions should be such as to afford support, with a minimum burden, to an adequate government, to the best school system, to an ample system of transportation and, in general, to profitably employ and encourage in their development the people who are thus joined in the society we call a state. The contribution of live stock by the grazing section of the state to the eastern section for feeding or slaughter, for example, increases population and builds up large towns which, in turn, encourage the establishment of large stores which carry extensive stocks of goods of all classes for the convenience of people from all parts of the state. The growth of the cities and industrial institutions in the eastern part of the state is stimulated by the development of farming in the western part, and that growth, in turn, tends to increase the value of western farms. These diverse enterprises are mutually dependent upon markets for buying and selling. The approximately uniform size of the

states is due to the adjustment of these conditions — of means to ends. It is found that in an organization smaller than the general government, involving the whole nation, most of the interests of the people are better subserved and their affairs better managed, because public opinion can be more readily concentrated in the smaller state and is more effectively brought to bear upon a government seated near at hand than upon one at a great distance, like our federal government. On the other hand, defense against foreign aggression, free interstate commercial intercourse, and the construction of great public works, such as waterways and irrigation systems, seem to require the larger political association. Otherwise, we should be better off if our several states were wholly independent of one another. Our habit of patriotism, which chiefly glories in bigness and the prestige it carries, gradually weakens as society becomes more mature and national lines gradually wear away under the feet of increasing intercourse impelled by the impulse of a growing sense of mutuality of interests. Compassing this wider view, George Eliot called patriotism "a virtue of small minds," and Herbert Spencer said: "If anyone should question my truthfulness or my honesty, I should be stung to the quick, but if I should be called unpatriotic, I should remain unmoved." And in the wider nation there is a correspondingly wider scope for patriotism as Dr. Johnson aptly defines it: "The last refuge of scoundrels."

But the ultimate meaning of our present controlling philosophy, pride in the great material resources of our state and solicitude for their most complete development, may spring from the broadest motive. This is confirmed by a single fact: Omaha is the greatest distributing center for sheep of the "feeder" class in the world. This vast supply of raw material, which is converted into butchers' stock, in part by Nebraska corn and hay, is collected from all the grazing states of the West and Northwest. Again, the meat-packing system of Omaha ranks third in the coun-

try — and so in the world — in volume of output.

The skepticism and hesitancy which, from the first, retarded material development of the Nebraska country were not fairly dispelled until about the year 1878 which is marked by the revival, or the beginning on a general local scale, of railroad building. Though the intersection of the state by railroads was begun in the early seventies, it had been abandoned on account of the grasshopper depredations of 1874-1875 and the fear of them, which lasted two years beyond that period. As late as 1877 it was confidently predicted that in twenty years Nebraska would be the great cattle range of America, and as confidently asserted that the Republican valley was a natural grazing ground; but at the close of that year the Burlington & Missouri railroad company gave notice that the prices of its lands would be raised; and the two great railroad companies of the state valued their properties so highly as to begin political strife to prevent their control by the state. But not only were the resources of the state underestimated; there was misapprehension as to their character. About ten years later Nebraska was distinguished as forming an unexcelled part of the unequalled corn belt of the world, and a few years still later stood in the front rank of the general agricultural states.

A humane federal statute prohibits the continuous transportation of live stock upon railroads for more than twenty-eight hours without being unloaded for rest. By consent of the shipper, the time may be extended, as it usually is in practice, to thirty-six hours. By a state statute, the time is limited to twenty-four hours for transportation wholly within the state. Business interests reënforce the law; and yards for feeding and resting are maintained at convenient points along the main lines. On the Burlington these yards are kept by the company; on the other lines they are owned and operated by independent parties. The yards at Valley on the Union Pacific road are the most extensive in the

state, both because that road covers the widest stock raising area and because the station is about the right distance from Omaha for preparing stock for the great market there.

These yards are owned and conducted by William G. Whitmore and Frank Whitmore, his brother. During recent years, they have handled on an average, 1,100,000 animals annually, three-fourths of which are sheep. Most of the remainder are cattle; as but few hogs originate west of Nebraska, not many need rest or care at this station. Much the larger part of the sheep come from Wyoming and Idaho, Wyoming largely leading. The rest come from northern Utah, Montana, Oregon, California, and Washington. Since many of these western sheep are originally driven to the northern grazing grounds from the far south, they become very experienced travelers by the time they reach the Omaha or Chicago market; and this phase of sheep life illustrates the marvelous capacity of modern transportation and its important relation to industrial, and general social development. James J. Hill caused the shipment of considerable numbers of live stock from the farther western states across the Pacific ocean to the orient.

The Messrs. Whitmore use 3,200 acres of land adjacent to Valley in their stock caretaking business. They own 1,100 acres and they have acquired long leases of adjacent farms to make up the remainder, for which they pay a high rental. These lands have a frontage of four miles on the Platte river. The total acreage is divided into thirty-six lots which are required to separately accommodate individual shipments or consignments. The lots are fenced with woven wire, surmounted by several strings of barbed wire for the protection of the sheep from coyotes and dogs. The length of time of detention of the various consignments is governed by the condition of the stock and of the market. The first is improved by feeding and rest, and the second may improve through waiting. All the land is devoted to pasture and meadow; all the needed grains are purchased.

The various lots are watered by driven wells from which windmills pump the water into troughs which in turn overflow into natural depressions or pockets, thus creating perennial ponds of fresh and wholesome water. A large number of yards and chutes are required for loading and unloading. The re-shipping is mostly done in the night so that the stock may reach Omaha fresh at the opening of the market.

Upwards of \$30,000 is invested in buildings, one of which will house 7,000 sheep, though it is used only in stormy weather, and another contains 500 tons of baled hay in readiness for any emergency of bad weather or an otherwise accidental short supply. The labor pay roll is about \$20,000 annually; and, as the work requires the greatest care, high wages are paid to secure responsible men. There are machines for shearing sheep and for various other purposes and gasoline and electric motors.

About eighty per cent of the cattle and eighty-five per cent of the sheep that stop over at these yards are range fed. A considerable part of this class of stock is in good enough condition for immediate slaughter; the rest are sold as feeders. Chicago packers take the larger part of the fat animals and Omaha the larger part of the feeders. William G. Whitmore's son, Jesse D., manages a similar feeding station at Grand Island; and there are stations also at Sidney and Cheyenne and other points along the Union Pacific road.

The great plant near Central City, in Merriek county, which was founded, controlled, and conducted by the late T. B. Hord, serves to illustrate the extent of the stock feeding business, in Nebraska, as well as the methods employed.

Mr. Hord came to Central City from Cheyenne, Wyoming, in 1885, and at once began the business which he developed into the largest establishment of its kind in the whole country, and so of the whole world. The first year he fed 235 head of cattle. In 1908 he fed 16,000 cattle and 12,000 hogs. While Central City is the chief feeding point, there

are branches at Belgrade, Chapman, Clarks, Fullerton, Schuyler, and Thummel, on the Union Pacific railroad, and Neligh, Oakdale, and Tilden on the Northwestern railroad. Four year old steers are preferred for feeding because they make the highest class of beef in the least time, which the plant aims to produce. A part of this stock is bought from farmers and ranchers in Nebraska, Colorado, and Wyoming, but the Hords keep on their ranges in Deuel and Sheridan counties, from six thousand to eight thousand head of steers, mostly bought as two-year-olds. When these arrive at the age of four years, they are brought down to the feeding stations. Some of the young cattle are also kept in Montana. The hogs are bought mainly in Nebraska, but some of them in Wyoming and Colorado, and the sheep come principally from the two states last named.

About 16,000 acres of land are used in the production of hay and corn and for yards for the animals. Not more than 25,000 bushels of corn are raised on this land annually, but it produces most of the hay which is consumed. The enormous amount of food which is required every year is easily calculated from the fact that about sixty bushels of corn and three-fourths of a ton of hay are fed to each steer. The amount of time taken for feeding a steer is three to six months, an average of about four months. This of course depends upon the condition of the stock and of the market. Nearly all of the Hord cattle are sold in the Chicago market because they have been fed up into the export class and the demand for this grade is in that market. Besides hay and corn, a balance ration of alfalfa meal and molasses is also given to both cattle and sheep. Hogs get their corn mostly from the droppings of the cattle, but they are fed besides, about a pound a day per head of shorts mixed with water. Cottonseed meal is fed more or less to cattle toward the latter part of the fattening period.

It is not found necessary or profitable to house cattle or sheep, but the yards are protected by high board fences for wind breaks. Houses are provided for hogs.

From 125 to 150 head of cattle are put into each feeding yard, the tendency being to reduce the numbers so herded together for feeding. The sheep feeding yards contain about 400 head to the pen.

The Hords own and lease a part of their stock range in Deuel and Sheridan counties and a part of it consists of public lands. Hay cut in the valleys on the ranges is kept ready for use and is fed mainly in the months of January, February, and March. Wells and windmills are quite generally resorted to for supplying the range stock with water and this method is found to be quite practicable. Only steers are corn fed; all cows being sold to the slaughter market from the range.

Sheep feeding is not always profitable, mainly on account of the high cost of the feeders, owing to the high price of wool. Dear corn also affects the business. Those caught with fattening stock on their hands, bought before the panic of 1907, suffered a great deal of loss. While there is more risk in feeding on a high corn market, yet it is not necessarily less profitable than feeding cheap corn. Mr. Hord's very wide experience and practical observation led him to the same opinion held by Dean Burnett, of our school of agriculture, namely, that the fattening of cattle will come to be done more and more by the farmers themselves or small local feeders.

Among other large feeders in Nebraska are Edward Burke of Genoa, E. M. Brass and John Reimers & Sons of Grand Island, and E. D. Gould of Kearney. The largest sheep feeders are in the neighborhood of Gibbon, Shelton, and Wood River.

While general intelligence and scientific skill are constantly increasing factors in general farming, yet its results will always depend largely upon the uncertain whims of Mother Nature. On the other hand, the stock feeding business, which is an adjunct of farming, depends mainly upon human foresight, judgment, and intense attention to detail. The key which opens to success is buying right, and this requires skill of a high order. And then the feeding is becoming more and more a process of the adaptation of scientific

knowledge as well as general good judgment; and to apply these and to prevent accident and disease also requires the utmost diligence. The exactions of this business are illustrated by the fact that the head of the great enterprise in question did not leisurely reach his office at the banker's or professional hour of nine o'clock or ten o'clock in the morning, but was found there, in the thick of the fight, as early as seven, even in the winter time. If there is any royal road to wealth in Wall street—and there probably is none—it is as far in this respect from the western stock feeding establishments as the two industries are separated in character or statute miles.

The picturesque white faces of the Hereford breed predominate in the yards of the large feeders. This is because they are more hardy and maintain themselves more successfully than the other beef-producing breeds, in the hard struggle for existence on the far western ranges, where many of the feeders' stocks originate and spend the first two or three years of their lives. If the stern vicissitude of cattle experience has raised the same question which not uncommonly troubles their human contemporaries, whether life is worth living at all, the Herefords doubtless lament that they became physically so well favored.

The Fremont stock yards, of which Lucius D. Richards is president, also carry on a very extensive business similar to that at Valley. These yards have pens for fifty-eight cars of cattle, covered sheds for twenty-four cars of sheep, open pens for 18,000 sheep; a dipping plant with a daily capacity of 5,000 head; ten double deck unloading chutes; set of ten Allen machine shearers, and 1,200 acres of blue grass pasture in the Platte valley. Below is a comprehensive and illuminating statement of the business done at these yards during the years ending January 31, 1907, and January 31, 1908.

Year ending January 31, 1907:

Sheep	3,908 cars
Cattle	1,051 cars
Horses	81 cars
Hogs	3 cars
Total	5,043

Year ending January 31, 1908:

Sheep	2,695 cars
Cattle	785 cars
Horses	77 cars
Hogs	5 cars

Total

Total	3,562
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Business year ending January 31, 1908:

	Cars	Sheep	Cattle	Horses	Hogs
From Neb.	212	27,820	2,800	400
" So. Dak..	225	28,600	2,800	375	.....
" Wyo.	1,550	293,280	10,080	1,550	.....
" Idaho ...	800	182,000	2,800	.....	.....
" Utah	250	52,000	1,400	.....	.....
" Ore.	75	13,000	700	.....	.....
" Nev.	50	13,000	.....	.....	.....
" Colo.	400	91,000	1,400	.....	.....
	3,562	700,700	21,980	1,925	400

Roads bringing in stock.

Northwestern	1,888	333,060	14,840	1,800	400
Union Pacific	1,674	367,640	7,140	125	.....

Destination:

Chicago	1,400	312,000	4,900	625	.....
So. Omaha	2,162	388,700	17,080	1,300	400

Classing stock:

Fat	1,550	279,240	13,188	.....	400
Feeders	2,012	421,460	8,792	1,925	.....

The business of the not quite completed year of 1908 shows a substantial increase over that of the year ending January 31, 1908.

The principal feeding and resting station on the Burlington system is at Burnham, adjacent to Lincoln. These yards handle sheep exclusively and have a grazing capacity of 50,000 head, barn space for grain feeding for 18,000, and outside pens for 12,000. The total receipts for the eleven months of the year 1908, ending November 30th, were 555,000 head with a marketable value of \$2,200,000. Of these receipts, Colorado and Utah contributed fifty-five per cent; Wyoming, twenty-eight per cent; Montana, eleven per cent; Nebraska, six per cent. The destination of the year's receipts was: South Omaha and Nebraska points, forty-three per cent; St. Joseph and Missouri, twenty-one per cent; Iowa, Illinois, and Chicago, thirty-six per cent. The yards do what is called "feeding in transit." Sheep are kept there for from one day to one hundred days. When left as long as the last named period they are fattened there ready for market. The yards also operate, generally commencing March 1st, a ten machine sheep shearing plant, by which, in 1908, 21,500 sheep were shorn

of a clip of 151,000 pounds of wool, with a selling price of about \$23,000. The receipts comprise pea fed sheep from southern Colorado, corn fed lambs from northern Colorado and Nebraska, and range sheep from Utah, Colorado, Wyoming, and Montana. Fed sheep there fattened on corn, peas, or other cereals, are marketed, usually, from December to July, and range sheep during the balance of the year.

All interstate shipments of sheep are under the supervision of an inspector of the bureau of animal industry, whose authority is absolute, and in case he finds that the sheep are afflicted with any stipulated infectious or contagious disease, he can order them quarantined and then dipped in recommended solutions and all quarters they may have occupied, cleansed and disinfected before further use.

These establishments, which rank among the greatest of their kind, very forcibly illustrate the resources of Nebraska and its tributary territory. The Omaha stock yards were founded in 1884, through the business foresight and courage of a group of Omaha men, and they opened the way for the great packing houses which were soon built around them. The total receipts of live stock at the yards during the year 1907 were, cattle, 1,158,716; hogs, 2,253,652; sheep, 2,038,777; horses and mules, 44,020. The increase in receipts of sheep during the five years 1903-1907 was large, that of cattle somewhat less, while hogs showed a slight decrease. The number of cattle received in 1907 was greater than the number for any other year.

The following table shows the receipts for 1907 of the several kinds of stock from territory west of the Missouri river and the part of the total which was shipped over the several railroads. The figures for the Chicago, St. Paul, Minneapolis & Omaha road are not exact, as that line operates on both sides of the river, and a proportionate division of the stock originating on either side was not made in the report.

Railroad	Cattle	Hogs	Sheep	Horses Mules
U. P.	266,132	463,299	1,053,796	14,798
"Omaha"	66,494	127,374	74,038	164
C. & N. W.	288,727	674,875	371,146	11,282
C. B. & Q.	346,691	395,443	413,800	8,751
C. R. I. & P.	22,731	17,785	10,570	1,655
M. P.	43,263	31,962	9,758	967
Total	1,034,038	1,710,738	1,933,108	37,617

We are considering here two main questions: what the economic resources of the state are now and what they may become. We get the most intelligent view of these questions by comparison. The state is young politically and very young industrially, and yet it has already won third place in the production of hogs and of corn and fourth place as to cattle and wheat; Illinois and Iowa leading in hogs and corn; Texas and Kansas in cattle; Kansas, Minnesota, and North Dakota in wheat. Illinois and Iowa each contains in round numbers, 56,000 square miles; Kansas, 80,000; Minnesota, 83,000; North Dakota, 70,000; Nebraska, 76,000.

The section of Nebraska east of the second guide meridian, west, with several southerly counties west of that line added, contains 40,000 square miles, an area considerably greater than that of Indiana, about the same as that of Ohio or Kentucky, and only 9,000 miles less than that of New York. For uniform productiveness of crops that are most uniformly needed and demanded throughout those parts of the world most capable of buying them, this section is scarcely equaled. We have 36,000 square miles (the size of Indiana) of more questionable productiveness to match the 16,000 excess of Illinois and Iowa over our superior 40,000 and to overmatch in size such states as Kentucky, Ohio, and New York.

In estimating the economic future of Nebraska, it should be noted that the value of its agricultural products is now only about seventy per cent of the like products of New York or Ohio and eighty per cent of those of Pennsylvania. This difference in favor of those naturally ill-favored states is due partly

to more advantageous markets, but chiefly to better cultivation. The yield per acre of wheat and corn is greater in many northeastern and north central states than in Nebraska; but advantageous conditions in the east will not permanently continue; on the contrary, they will be reversed, and the proof of the prophecy lies in the example of what superior cultivation has done there in adverse natural conditions.

Some of these states have valuable minerals which have not yet been discovered in Nebraska. But our undeveloped wheat crop is already double the value of the principal minerals of Indiana, and such as we do not produce; far greater than the like product of Illinois, greater than that of the great mining state of California, and about equal to that of the still greater mineral state of Colorado. Our undeveloped corn crop is worth more than the mineral production of Ohio, leaving out kinds, such as clays, produced here. Besides, the principal minerals of the eastern states in question—coal, petroleum, and gas—are destined to decrease greatly; indeed, as a rule, are greatly decreasing, while the crops of this imperfectly cultivated and only partially reclaimed state are destined to vastly increase. In view of this unequalled natural diversity and skill, which science and experience are constantly and rapidly supplying, we shall soon be able to charge off, almost without missing it, from our bounteous agricultural income, enough to offset the total mineral product of any state excepting, perhaps, Pennsylvania. Owing to its advantageous location and somewhat superior soil, Nebraska will easily keep the lead over the Dakotas and, in the long run, will maintain its lead of Minnesota. Kansas is more nearly like Nebraska than any other state but is somewhat inferior agriculturally, though it has valuable minerals which Nebraska lacks. Nebraska need not falter in disputing the supremacy of the now imperial states of Illinois and Iowa. Besides some advantage in area, it is, as has already

been illustrated by a striking array of facts, the natural converter into food of the raw material of the great stock range states of the northwest. Its abundant corn and alfalfa and packing facilities are the first to catch the eastward flow of that raw material and assimilate it into condensed form for cheaper and more convenient distribution to the markets of the world.

Thus Nebraska is distinctly a wholesale state, a very distinct advantage withal. In manufactures Nebraska cuts a small figure, of course, in comparison with northeastern states and such north central states as Ohio, Illinois, and Wisconsin. But in the vast industry of meat-packing Nebraska ranked third in 1900 and is perhaps second now. The value of the packing product of the three leading states, according to the census of 1900, was, Illinois, \$279,842,835; Kansas, \$76,829,139; Nebraska, \$71,018,399. If Nebraska had as much influence in the adjustment of transportation rates as Illinois has it would soon lead in this business. It has the advantage of location over Kansas, also, and is likely to lead its southern neighbor some time if indeed it is not already doing so. The present annual output of the Nebraska packing houses approximates \$100,000,000; a pretty good start, in view of future prospects, toward overtaking some of the distinctly manufacturing states. Moreover, an output of about \$50,000,000 by apparently alien refining and smelting works, conveys more than a hint that not improbable changes in transportation facilities, and in the distribution or availability of motive power and relative increase in population, may very greatly accelerate our manufacturing gain. But in any event, with everything to gain over competitive sections in the manufacturing line, we are always sure of agricultural supremacy.

So far, however, the conversion of agricultural products by packing houses, butter makers, grist mills, and breweries constitutes about ninety per cent of our manufactures.

Notwithstanding that our statistics are very

imperfect, we know enough of the development of our main industry to judge pretty well its trend. The following illustrative tables of live stock and five principal crops are compiled from reports of the department of agriculture.

CORN		
	Acres	Bushels
1899	8,013,331	224,373,268
1901	7,740,556	109,141,840
1905	8,035,115	263,551,772
1907	7,472,000	179,328,000
1908	7,621,000	205,767,000
1909	7,825,000	194,060,000
1910	8,000,000	206,000,000
1911	7,425,000	155,925,000

WHEAT		
	Acres	Bushels
1899	2,018,619	20,791,776
1901	2,456,543	42,006,885
1905	2,472,692	48,002,603
1907	2,535,000	45,911,000
1908	2,265,000	40,317,000
1909	2,640,000	49,650,000
1910	2,450,000	39,515,000
1911	3,098,000	41,574,000

OATS		
	Acres	Bushels
1899	1,715,804	51,474,120
1901	1,972,991	39,065,222
1905	1,886,270	58,474,370
1907	2,524,000	51,490,000
1908	2,549,000	56,078,000
1909	2,473,000	61,825,000
1910	2,650,000	74,200,000
1911	2,500,000	34,750,000

POTATOES		
	Acres	Bushels
1899	143,560	13,494,640
1905	87,144	8,104,392
1907	81,000	6,424,000
1908	91,000	7,098,000
1909	105,000	8,190,000
1910	110,000	6,600,000
1911	116,000	6,032,000

HAY		
	Acres	Tons
1899		3,377,698
1905		1,053,454
1907		2,250,000
1908	1,515,000	2,348,000
1909	1,550,000	2,325,000
1910	1,500,000	1,500,000

HORSES AND MULES		
January 1, 1899		658,807
January 1, 1906		1,056,752
January 1, 1908		1,015,000
1909		1,115,000
1910		1,123,000
1911		1,144,000

MILCH COWS		
January 1, 1899		685,338
January 1, 1906		836,668
January 1, 1908		879,000
1909		879,000
1910		626,000
1911		613,000

OTHER CATTLE

January 1, 1899	1,521,454
January 1, 1906	2,450,862
January 1, 1908	3,265,000
1909	3,040,000
1910	2,225,000
1911	2,002,000

SHEEP

January 1, 1899	322,057
January 1, 1906	444,499
January 1, 1908	431,000
1909	275,000
1910	382,000
1911	382,000

SWINE

June 1, 1900 (U. S. Census)	4,128,000
January 1, 1906	3,004,398
January 1, 1908	4,243,000
1909	3,201,000
1910	3,951,000
1911	4,267,000

The acreage of corn has shown a tendency to decrease since 1899, and wheat to increase in about the same degree. But the acreage of spring wheat fell from 381,299 in 1905 to 322,000 in 1907. The yield per acre in 1905 was, fall wheat, 20.4 bushels; spring, 14 bushels. For 1907, fall, 19 bushels; spring, 12 bushels. Oats about hold their own, and the other estimates for 1908, taken in connection with those here given, show that there is a decided increase in potatoes and hay. All classes of live stock, except sheep, show a constant increase, though in 1910-1911 there was a decrease of cattle and sheep, probably owing to deficient rainfall. On the whole, the production of live stock increases measurably more than that of cereals.

The counties that raised sugar beets in appreciable quantities in 1908 are Boone, 50 acres; Buffalo, 78; Cheyenne, 234; Custer, 15; Dawson, 52; Dundy, 46; Franklin, 19; Hall, 471; Hitchcock, 180; Keith, 19; Lancaster, 108; Merrick, 200; Loup, 718; Platte, 127; Red Willow, 324; Scotts Bluff, 2,500. The total acreage fell from 6,906 in 1907 to 5,167 in 1908. The report of the commissioner of labor gives the acreage of Loup county at only 10 but devotes 718 acres to spelt. Spelt is now raised in considerable quantities in all parts of the state, but principally in the western counties.

The beet sugar industry, alone, languished in spite of its subsidy sops. The manufacture of sugar in 1901-1902 was 6,660 tons; in 1902-

1903, 9,430 tons; in 1903-1904, 8,669 tons; in 1904-1905, 13,355 tons; in 1905-1906, 9,397. In 1908-1909 our single factory consumed about 30,000 tons of beets, producing 300 tons of sugar. It is quite pertinent and proper to join the present promiscuous chorus of tariff reform by observing that the only Nebraska industries that persist in languishing — sugar and sheep — are also the only ones that can, or do derive any benefit from protective tariffs. If the tariff on wool accomplishes its purpose, the little pauper sheep industry costs (in added price of clothing) all the people who do the rest of the state's business, which stands on its own bottom, about twice as much every year as the total wool clip is worth. Likewise, sugar tariffs enable the sugar trust to levy an enormous tax on consumers while the country continues to import about three-fourths of the sugar it needs from lands which a Providence — deemed all wise before self-protective tariff-makers superseded Him — especially prepared for the production of that great staple.

In other words, in what reasonable measure and by what means will Nebraska add to its agricultural greatness already attained? (The responsibility rests chiefly with the people of the commonwealth because, as has been shown, the natural conditions for increase are at hand.)

Let us take the weakest and artificial example first. The cultivation of sugar beets decreases and the number of factories has been reduced from three to two owing to relatively disadvantageous conditions — which, however, cannot properly be regarded as permanent. Temporary increased rainfall, and especially in the latter part of the season, reduced somewhat the percentage of sugar in the beets, thus giving the California and Colorado fields an advantage. This increased rainfall and a tendency toward higher prices of other agricultural products during the same period, stimulated the production of the ordinary staple crops. Increasing cost and scarcity of labor, an all-important factor in beet culture, is the most discouraging of all these incidents. Farmers in the earlier beet-producing counties have felt so content over good crops of wheat,

corn, and hay that they would not stand the slings and arrows of very bad labor conditions and the "docking" of their beets at the factory which has increased and the cause of irritation been justified or excused on account of the somewhat inferior quality of the beets alluded to. Those comparatively new-comers, fall wheat and alfalfa, have been especially potent competitors of sugar beets.

But a general view of the field seems to justify the opinion of Dean Burnett of the Nebraska school of agriculture, and expert sugar beet men, that Nebraska may yet become an important producer of beets and sugar. Beets will thrive without irrigation where corn will thrive. At the experiment station, near North Platte, from ten to eleven tons of beets to the acre are raised on upland without irrigation. The quality of the beets improves as you go farther west, provided the moisture is sufficient. Fifteen tons an acre is a good yield on the high priced lands farther east. Furthermore, a recurrence of deficient rainfall and some evidence of over-cropping of wheat have stimulated a sentiment in favor of wider diversity.

Beets and sugar are very successfully produced in the irrigable part of the North Platte valley where soil and climate favor and water is abundant. In other parts of the state this industry is, to say the least, a great reserve, awaiting general adjustment and development.

Irrigation farming began in earnest in the valley, and especially in the vicinity of Scotts Bluff, after the Burlington railroad reached that place in 1899. By 1904 the production of sugar beets in that neighborhood became important; but they were shipped to the old factory at Ames. The closing of the Ames factory in 1905 stimulated the cultivation of potatoes and alfalfa in this district. In 1908 beet growing was again resumed, the product being shipped to the factory at Sterling, Colorado. In 1909 a combination of eastern and Colorado capitalists organized the Scotts Bluff sugar company, bought the old Ames factory, and reconstructed it at Scotts Bluff. It has a daily consuming capacity of about 1,500 tons of beets. The mill started in November, 1910, continuing sixty days and nights. In 1911

about 11,000 acres of beets were grown and the mill was operated 100 days with a daily output of about 150 tons of refined sugar. Contracts were made for the growing of about 15,000 acres of beets in the season of 1912. The main building of the factory covers about four acres and has fourteen acres of floor space. The total cost of the factory has been about a quarter of a million dollars. It employs from one hundred to two hundred men the year round and during the active part of the season an additional number of five hundred men. From May to December about one thousand laborers are employed in the beet fields. Ninety per cent of these are German-Russians. They live in the city of Scotts Bluff during the winter, moving out to the fields for the growing season. The other ten per cent of hand laborers comprises Japanese and a few Greeks. Only team work is done by Americans. In this section alfalfa, potatoes, and grains are raised, of importance in the order named. During the winter of 1911-1912 about 10,000 cattle and 125,000 sheep were fed from the by-products of the sugar factory and the alfalfa fields in the vicinity of Scotts Bluff. The sugar industry has given new life to the town which, according to the census of 1910, contained 1,746 inhabitants and has grown rapidly since that time.

Natural favorable conditions are reinvigorating the sugar industry in the North Platte valley.

That sheep raising has so far been merely incidental and not extensive in Nebraska, is a tribute to the richness of its soil and its peculiar adaptation to the production of the more substantial staples in crops and live stock. That sheep are not more extensively kept on the grazing fields of the northwest, is partly owing to the proximity to the conditions just mentioned and partly, perhaps, to the fact, as the cattle men say, that they got in there first. On the whole, dairying seems to increase, but not as rapidly as conditions appear to warrant. The best observers in Merrick county, for example—until recent years regarded as within the grazing district—explain that dairying is not more important, relatively, in the county, chiefly for the

same reason that beet culture has fallen off there and elsewhere. The farmers have been doing so very well, lately, with fall wheat, corn, and hay, and their concomitants, hogs and cattle, that the greater drudgery involved in dairying is not very attractive to them. But the great future of this industry merely awaits a further adjustment of conditions, and especially of the present high prices of grains. It is probable that corn will continue to be king of crops in Nebraska and that fall wheat, continuing to crowd out the spring variety, will be a great queen. While the South Platte is the main wheat section, corn, in large acreage, extends to the north border. Fall wheat has spread very widely into the southwestern counties. It is already an invaluable supplement to the more or less uncertain corn and may become its rival in that section.

The following estimates made by the Union Pacific railroad company in 1908, show the great extent of the wheat area in southwestern counties and its relation to the acreage of corn:

Counties	Acres	
	Wheat	Corn
Adams	87,219	75,000
Chase	8,000	50,000
Chase, spring.....	5,000	
Franklin	42,842	75,551
Frontier	30,000	135,000
Furnas	75,000	95,000
Harlan	64,895	108,967
Hitchcock	19,641	23,741
Kearney	85,255	74,049
Nuckolls	36,000	108,000
Phelps	55,108	84,805
Red Willow	61,099	76,850
Webster	41,286	94,198

The wheat acreage of the southeastern counties runs below that of the counties above named, and corn runs proportionately higher. The extensive wheat raising counties north of the Platte river are, Brown, Buffalo, Colfax, Custer, Dawson, Dodge, Hall, Howard, Merrick, Madison, Platte, Nance, Sherman, Thomas, Valley; but most of them lie adjacent to or near the river. Sheridan county is the only large producer of spring wheat, with 20,850 bushels in 1908. By the same estimate the total number of acres of spring wheat in the state in 1908 was 232,344; of fall wheat, 2,054,970. Custer county, formerly classed as outside the successful dry farming line, raised twenty bushels of wheat to the

acre on 60,860 acres, and thirty bushels of corn on each of 229,294 acres.

Alfalfa is a comparatively recent, but permanent and very important addition to the state's resources. The *Nebraska Advertiser*, May 20, 1875, said that Governor Furnas then had a quarter section of land planted with "fruit trees of every variety suited to this climate." He had planted sixty acres in the spring of 1875. The same paper, of May 27, 1875, quoted a letter written by Robert W. Furnas to the land commissioner of the Burlington & Missouri railroad company in which he said that he had cultivated alfalfa a number of years "as an ornamental border plant and also as a forage crop." The letter was concluded with this true prophecy: "I have no hesitancy in advancing the opinion that it is a most valuable acquisition to our crop interests and will, in a very short time, be of incalculable value." The school of agriculture maintains that it will do well wherever our common staple crops thrive. On good upland it will yield from three tons to four tons an acre against about a ton and a half of timothy and clover. For making beef or mutton, a ton of alfalfa will go as far as a ton and a half of wild hay. In favorable soil alfalfa roots will go down thirty feet to water. It is, therefore, a sure and rich refuge for forage throughout our 40,000 easterly square miles. In each of the years 1906-1909, selected uplands near the experiment station at North Platte, and with an altitude 300 feet above that town, produced, without irrigation, a ton and a half to the acre. The valley at North Platte will produce as much as the college farm at Lincoln. Alfalfa will do well in the fertile valleys anywhere in the state; but it cannot be said that it would be a practicable crop on the western table-lands nor a good crop in the valleys in the dry periods. The difference between dry seasons and wet seasons appears from the following record of the experiment station of the State University at North Platte.

Year	Total	Departure from Normal
1875	15.35	— 3.51
1876	11.84	— 7.02
1877	25.47	+ 6.61
1878	18.62	— .24
1879	20.06	+ 1.20
1880	17.48	— 1.38
1881	22.93	+ 4.07
1882	17.95	— .91
1883	30.01	+11.15
1884	13.53	— 5.33
1885	22.03	+ 3.17
1886	13.10	— 5.76
1887	21.68	+ 2.82
1888	17.46	— 1.40
1889	20.66	+ 1.80
1890	12.71	— 6.15
1891	23.36	+ 4.50
1892	20.37	+ 1.51
1893	13.16	— 5.70
1894	11.21	— 7.65
1895	14.58	— 4.28
1896	16.52	— 2.76
1897	17.09	— 1.77
1898	15.54	— 3.32
1899	13.99	— 4.87
1900	12.29	— 6.57
1901	16.44	— 2.42
1902	26.27	+ 7.41
1903	18.36	— .50
1904	23.17	+ 4.31
1905	26.81	+ 7.95
1906	27.99	+ 9.13
1907	19.61	+ .75
1908	19.96	+ 1.10
1909	22.41	+ 3.55
1910	10.70	— 8.16
1911	17.43	— 1.43

While the table shows that the precipitation for the years 1902-1909, during which the careful experiments of the station have been made, is much above the average, yet that trial has demonstrated that alfalfa can be successfully raised in the long run on table lands such as these in question. Turkestan alfalfa is most adapted to latitude north of Nebraska, but will probably be found practicable in our dryest sections. Brome grass is also more suitable for the north, but is of value here.

Our production of staple crops and so of the live stock which they support may be very greatly increased (1) by better methods of cultivation and (2) by extending the area of production, especially in the untilled western section. These processes of improvement are fairly under way. By a practicable improvement of seed corn, the product may be increased above the present average by from

twenty to thirty per cent. Experiment shows that at least one-fifth of every farm should be kept in clover or alfalfa all the time. The rotation should be four or five successive years of ordinary crops and then three years of leguminous plants.

Expert summary of the roads to increased production is, (1) increasing fertility of the soil, (2) better cultivation, (3) improvement of seeds. Increasing numbers of farmers are traveling these roads led by the experimentation and moral stimulus of the University school of agriculture and the federal department of agriculture. For example, the existence of large stock feeding establishments is due chiefly to the ability of the owners to buy advantageously and to use the best methods of feeding. With more education and experience this function will be localized to the advantage of the individual farmer.

The improvement of pastures now going on will stimulate diversity and dairying in particular. Blue grass is getting a good hold as far west as Buffalo and Dawson counties. Mr. McGinnis, general agent at Lincoln of the Chicago & Northwestern railroad company, relates that in 1906 he supposed that a pasture on his ranch in southwestern Holt county was done for because the native grass had been quite worn out; but blue grass took possession, instead, and is successfully holding it. In Merrick county, blue grass has not only invaded the better soils but is gradually creeping into the sandy land. Thirty years ago there was a long, sharply defined sand dune on the Whitmore ranch at Valley. In November, 1908, it was affording as good pasturage of blue grass and white clover as could have been found in the famous dairying districts of Wisconsin. The Whitmores have long been sowing their extensive pastures to tame grasses. They do not "break" the land, but first disk the wild pasture, then sow the seed, following with the harrow. Better results follow this method than the more common one of sowing the grass seed on cultivated soil. They spread all the farm-yard manure they have over these pastures, and particularly on the more sandy parts. They now have more than 1,000 acres of tame meadow and pasture—clover and

timothy, more or less mixed with blue grass. The importance of this gradual process of civilization is very great.

Climatic conditions all over the state are very favorable to poultry raising. While it is already general in an incidental way, more particular attention will be paid to it as the profit of more intensive farming increases and its methods are better understood.

There is, of course, an element of speculation as to the destiny of the higher and dryer lands of the western section of the state, though scientific and general experiment are busily engaged in the solution of the problem. Since the passage of the Kinkaid act by Congress in 1904, which raised the homestead maximum to 640 acres, that part of the state has been rapidly filling up with settlers. This increase has been greatest in the northwesterly counties; but it has been checked by recent dry seasons. In 1904 there were 7,834,736 acres subject to homestead; in 1908 there were not more than 3,000,000 acres, nearly all in the sandhill districts of the northwest. There were in Holt county 12,000 acres; Rock, 4,000; Keya Paha, 38,000; Sheridan, 165,000; Sioux, 417,000; Boyd, 700; Banner, 82,000; Cherry, 1,000,000, and Dawes, 9,000. Filings can be made on this land at the land office at Valentine or O'Neill. Every man or unmarried woman over the age of twenty-one, every widow, every minor orphan or widow of a deceased soldier, or anyone who is at the head of a family, though an adopted or a minor child, who is a citizen of the United States, may homestead 640 acres of this land. The fee for filing is \$14. Not over 200,000 acres of those lands lie far enough to the south to be tributary to the Union Pacific railroad. In recent years very large numbers of actual settlers bought farms throughout the western section, and those lands have greatly increased in price. The Kinkaid act applies to all territory in the state west of a line running south from a point on the Missouri river at the northwest corner of Knox county to the northeast corner of Howard county; thence west, along the fourth standard parallel, to the northwest corner of Sherman county; thence south along the west boundary of Sherman

county to the third standard parallel, which is the north boundary of Buffalo county; thence west along the third standard parallel to the northwest corner of Dawson county; thence south along the west boundary of Dawson county to the north boundary of Frontier county; thence west along the north boundary of Frontier county—the second standard parallel—to the northeast corner of Hayes county; thence south along the line between Frontier and Hayes, and Red Willow and Hitchcock counties to the south boundary of the state. There are shrewd men, well acquainted with that section, who still believe that it is only fit for grazing and that the rapid settlement for general farming now going on will turn out calamitously. On the other hand, there are many men, equally well informed, who believe that the success of these later settlements is assured. The unbelievers contend that in the order of nature there will be periodical series of dry years, like that of the early nineties, when no crops can be raised. The optimists hold that all former attempts at farming in that section have been made, in the main, by inferior people, lacking in capacity and financially destitute, whereas the present settlers are men of nerve and experience and many of them having property enough for a good start. For example, recent settlers in the northwestern counties are very largely from western Iowa, northwestern Missouri, and eastern Kansas and Nebraska. Many of them sell their high priced farms and occupy these comparatively cheap lands because they believe that they can successfully cultivate them and in the meantime greatly profit by the consequent great rise in their value. The future doubtless holds a golden mean which in part, at least, justifies the optimists.

The conservatives judge the future mainly, if not altogether, by the past, which, to say the least, is not quite fair or rational. While there will doubtless be dry years in those sections again, yet neither memories nor records are comprehensive enough to warrant the assumption, as a basis for business calculation or forecast, that such years will come in seriously long series, or even that they will come at all. There is at least a fair business pros-

pect that the favorable rainfall of the six years preceding 1908 will be the rule and not the exception. Then the absorption of the moisture that does come, by cultivated fields, and the passage of the winds over the great masses of growing crops, instead of the unprotected, heat-reflecting expanse, as of old, will increase the effectiveness of the rainfall and tend to prevent general destruction or severe injury to vegetation. Increasing competition for available lands will draw or force men to these sections with the experience, the stamina, and the financial competence to make the most of them. Intensive and diverse farming, stimulated by the experiments of scientific schools will continue to increase the availability of the less favored lands. So the confident opinion of many shrewd observers, including scientific experts, that, before many years elapse, all the hard lands of western Nebraska will be occupied by farmers who will derive a comfortable living from them is reasonable.

An intelligent observer of conditions on the table lands of Cheyenne county, a member of the staff of the passenger department of the Union Pacific railroad company, himself a Swede, believes that foreigners, who are more inured to hardships and better satisfied with modest returns for their labor than Americans, would be certain to prosper here. He points out that while 403,121 of our foreign immigrants of 1907 stopped in New York, 223,551 in Pennsylvania, and 110,000 in Illinois, only 5,789 came to the agricultural state of Iowa and 6,216 to Nebraska. He says that a large part of these immigrants have been small farmers in their native countries, and that they would get rich on the monthly check of \$40, which they would receive from the product of the fifteen cows which a Kinkaid section in Cheyenne county will maintain, besides a few other cattle, poultry, and producing some grain and root crops.

The table lands in Deuel county which sold for \$2 an acre in 1898, until recently sold for \$8 to \$10 and settlers bought at such prices in large numbers. A series of dry years has lately checked this development. All Union Pacific lands in Nebraska have been sold ex-

cept those taken back on default. Even under present methods of cultivation, the southwestern section has only to fear abnormally dry years; for with that limitation, they are safely within the corn and fall wheat belt.

The main irrigable area of the state is the North Platte valley, from the Wyoming border down to Cowanda, about thirty miles below Bridgeport. Farther than that the valley is too narrow for much tillage. This area comprises about 500,000 acres. The river, with the aid of the flood waters stored by the great dam, lately constructed at a point two hundred miles above the western boundary of the state, will supply enough water for double that acreage. Scotts Bluff county had long before been extensively supplied with water through privately owned ditches, and their rights are not affected by the great canal under construction by the federal government and which will reach at least as far as Bridgeport. Several smaller streams supply water for quite limited areas.

The government will sell eighty acres of land with a perpetual water right to each actual settler; but it refuses to furnish water to owners of other lands except at the price named. This seems a harsh monopolistic rule to which some extensive holders of land in the valley are refusing to yield. Men well known in Nebraska and who are well informed upon this subject, assert that the Wyoming works have cost a great deal more than they should have cost, owing to mistakes and other incompetency. They say, also, that, partly owing to that excessive cost, an excessive price is charged for the lands held by the government subject to its canal. It is therefore impossible for a poor man to pay for this land in ten years, as required, so that the primary object of the enterprise, namely, to furnish the farms to men of small means, is defeated at the outset. Keen-eyed men believe that there will have to be a complete readjustment of the terms in question and that the cost of the irrigation works will eventually become a public donation. The contribution by the east of its pro rata share toward this western improvement would be

but a small installment of its immemorial exactions from the west.

Experiments at the North Platte station have been conducted expressly to try out the possibilities of dry farming in that district. It has been the practice there to raise four successive crops and then apply summer tillage during the fifth season. This means that the land is disked and harrowed frequently so as to prevent evaporation of moisture as far as possible and put the soil into the best condition to store it. After summer tillage land has produced as high as sixty bushels of fall wheat to the acre. During the four years 1905-1908 from twenty bushels to forty bushels of corn an acre were raised on other lands. It has been found that it will pay to pasture steers on the upland native pasture at a valuation of \$10 an acre. Cottonwood, black locust, green ash, box elder, and mulberry trees thrive under cultivation. It is necessary to stir the soil about them to conserve moisture. Durum wheat is grown successfully, yielding a much larger crop than the common wheat. So far it is used to feed stock, as there is no established market for it. About seven million bushels of this wheat are annually mixed with ordinary wheat in the flour mills of Minneapolis.

It is expected that importations of grains and forage plants from foreign arid countries will be advantageous, but the chief reliance is upon proper cultivation. Dean Burnett believes that in the North Platte region in question dry farming can be satisfactorily carried on in the long run, and he views the prospects for the northwest table lands hopefully.

One finds everywhere among business men and farmers as well as boomers great expectations of the state school of agriculture and of the federal department of agriculture in the development of our farming interests. Even railroad men, who habitually rail at the attempted control of their business by the government as pernicious socialism, felicitate themselves and the state upon the beneficence of the purely paternalistic institutions named. And socialism is but paternalism "writ large." Only a few years ago J. Sterling Morton, who could not see the so very plain signs of the

times through his individualistic preconceptions, felicitated himself on his administration of the department of agriculture because he had turned a considerable part of his appropriations back into the treasury untouched, to do which was his chief Jeffersonian care. His successor is impelled by public opinion to spend all he can get and to get all he can spend of the public revenues in his socialistic propaganda. It is a palpable and significant fact that the questions and projects which most engage the public attention and approval at the present time are those which are most socialistic in their character.

Looking back over the foregoing quite conservative and yet almost roseate sketch of Nebraska's economic conditions and prospects, we are forcibly reminded that instead of repeating itself, according to tradition, Nebraska history has very flatly contradicted itself. For the dominating note of the earlier years of that history was either despair or negation. "It is a land where no man permanently abides," said Washington Irving, after an inspection of the "Nebraska country"; and our earlier sages believed and promulgated the faith that it would be habitable only along the streams of the eastern portion. During the grasshopper invasions of the seventies, the state was a pauper on the national roll of charities; and there was wide belief that there was its normal place. It was the courage and penetration of great railroad promoters and the great courage and faith of the pioneer settlers which, for the first time, as tradition goes, forced history to reverse instead of repeating itself.

Nebraskans have harped so much upon their prepossession that agriculture is the state's single resource that they have failed to perceive that the state is strategically situated for commerce. Its situation is not only approximately central in relation to the country at large but it is intersected by five great railroad systems. Five trunk lines lead out from, or pass through Omaha, the commercial metropolis of the state. Two already count Lincoln, the capital city, as a principal point on their lines; a third will probably soon assume that relation; while this

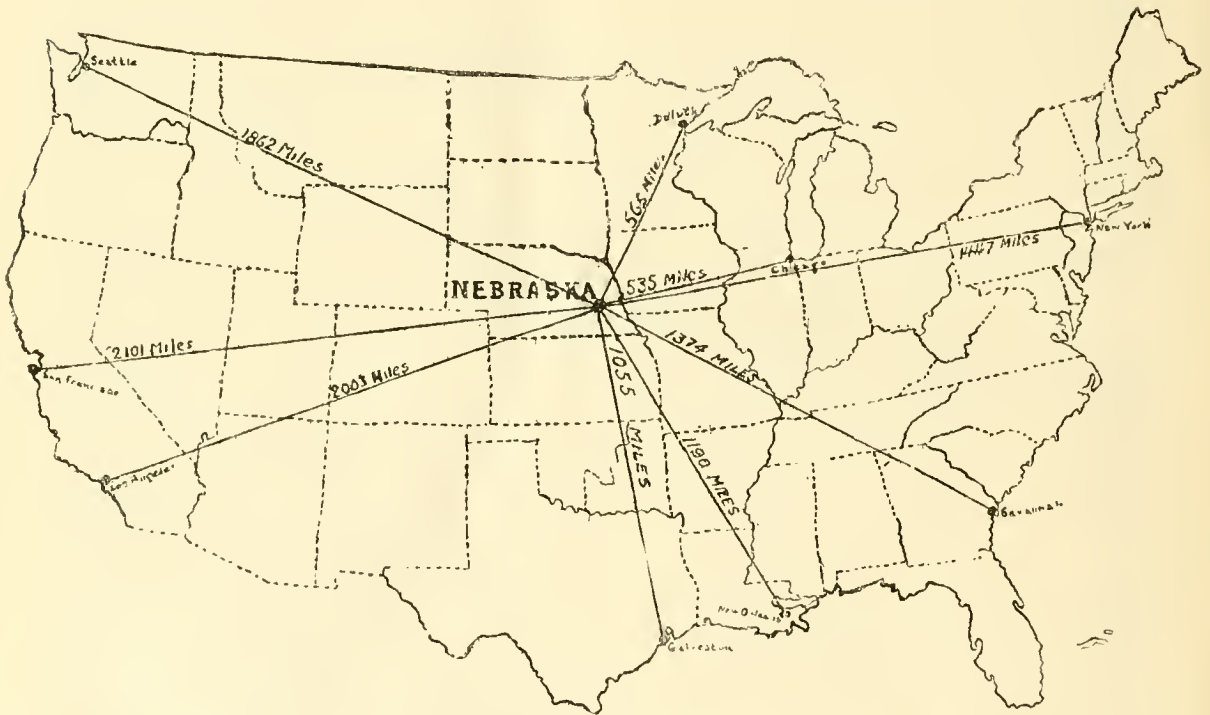
fortunate town is a very important center for branch lines of four great systems. A glance at the accompanying map will show why Nebraska actually has very favorable access to all parts of the country and so to the commercial world.

These considerations indicate that Omaha is destined to be a large city of the secondary class and that Lincoln's great transportation facilities will eventually overcome its present tendency to a cramped growth on the educational side and cause its development into a well-proportioned city of considerable size.

A few citations of facts will show that these waiting resources have reasonably responded to improving facilities and opportunities. The total shipment of Nebraska products from the state for the fiscal year ending June 30, 1910, was 14,000,000,000 pounds. About 50,000 car loads of packing house products are annually shipped from the state, mostly to points in the Mississippi valley, but in part to the extreme east and west and to Europe. Omaha has a fair chance to displace Kansas City as the second meat packing center of the world, and the Nebraska City output is considerable. In the year, 1907, 24,900 car loads of wheat, averaging 900 bushels per car, and 35,993 of corn—about thirty-two million bushels—were exported, chiefly from Omaha, which is also a great market for barley. Eight of our principal flouring mills exported over seventy-five million pounds of flour in 1907. Corn products are of noticeable importance, the annual shipments amounting to about 2,500 car loads. In 1911 Nebraska ranked third among the states in cereal mill products, and their value for that year was eleven million dollars. The total output of our creameries approximates thirty million pounds; of hay, exceeding two hundred thousand tons; of eggs, upwards of twelve million dozens. In addition to packing house products, aggregating nearly one hundred million dollars in value a year, smelting, chiefly lead matter at Omaha, brought from Rocky Mountain mining states, amounting to nearly fifty million dollars annually, and creamery products, amounting in 1910 to eleven million dollars, there is no considerable single manufacture.

The total miscellaneous manufactures for the year 1911 amounted to upwards of one hundred and fifty million dollars in value; and the capital employed in such manufactures increased from fourteen million dollars in 1900 to sixty-three million in 1911. The total value of the eight principal crops of 1911 — corn, wheat, oats, potatoes, barley, native hay, rye, and alfalfa — was two hundred and eighteen million dollars. The cultivated area in 1911 was estimated at twenty-nine million acres, much more than half of the total area.

000 bushels. However, wheat sown in the fall, commonly called winter wheat, has come to be a very important crop, and, on the whole, is surer than corn. This grain was on probation many years before it was accepted at its full value. The agent at the Council Bluffs sub-agency, situated on the Missouri river, nearly opposite Bellevue, in his report for 1845, says that, "A small lot of wheat sown last fall (1844) has done very well. The troops at old Council Bluffs formerly raised large crops of this grain, and the soil and



Courtesy Nebraska State Journal

NEBRASKA'S STRATEGIC COMMERCIAL POSITION

According to the United States census report for 1911 the cultivated area was 29,046,765 acres. The estimate of the number of cattle in the state in 1911, was 2,229,976; of hogs, 4,979,784; of horses, 918,240; of sheep, 383,602; of chickens, 9,900,480. The output of canned vegetables and the production of popcorn are important items of commercial production.

Ever since agriculture was established in Nebraska, corn has been its chief product, a normal annual yield now being about 200,000,-

climate seem as well adapted to it as they are to Indian corn." This was the first wheat cultivated in Nebraska so far as our records show; and it must have been raised in the period between 1819 and 1826, because the post — Fort Atkinson — was abandoned in 1827. Harvey W. Forman, farmer for the Sauk and Fox Indians at the Great Nemaha agency, in his report dated September, 1853, says that he had sown about twenty acres of fall wheat on ground that had "laid over this season." In preparation he had plowed the

ground well twice, then harrowed it, and next rolled it with a heavy roller. His corn that year yielded fifty bushels to the acre.

The premium list of the Otoe Agricultural Society, published in the *Nebraska News*, September 28, 1858, offers a premium for the best five acres of fall wheat and a diploma for the best five acres of spring wheat. The *Nebraska City News*, of March 9, 1861, says that "the winter wheat in this section looks fine." The editorial opinion was that the heavy snows of the winter had kept it warm, and it was ready for a strong start. The *Nebraska Advertiser*, of July 4, 1861, says that some Nemaha county farmers harvested forty bushels of wheat per acre that year. The hot, dry weather in June injured spring wheat. In "the various parts of the territory fall wheat has produced much better than spring, not only this season, but for the past three years. We cannot understand the cause of the prejudice in the minds of many farmers against raising fall wheat." The same newspaper, of October 18, 1862, said that fall wheat that year yielded one-third more than the spring variety in Nebraska, and that its average for the last five years had been higher than that of spring wheat.

The *Daily State Journal*, September 28, 1878, put the yield of fall wheat that year as 268,532 bushels; 45,370 bushels in the North Platte section, and 223,162 bushels in the South Platte. The yield of spring wheat for that year was 10,752,668 bushels in the South Platte and 5,471,527 bushels in the North Platte.

Dr. George L. Miller usually threw the whole power of his enthusiasm into his advocacy of any Nebraska enterprise, and the final recognition of this grain as one of the most important crops in Nebraska is largely due to his persistent preaching in its favor. The *Herald* (weekly) of August 10, 1870, says that this crop had "hitherto been a failure," because it had winter killed. The editor — Dr. Miller — advocated deep planting as a remedy and suggested drilling in the wheat. This method of planting was generally adopted later, and was apparently a condition prece-

dent to the successful cultivation of the grain in question. The *Omaha Daily Bee*, of October 3, 1892, remarks upon the growing importance of fall wheat. The state was now producing 18,000,000 bushels a year, and the *Bee* expressed the opinion that the yield might reach 100,000,000 bushels. There was a sudden increase in the production about 1880 and a still larger increase about 1900. According to the records of the department of agriculture, at Washington, the average annual yield for the period of 1870 to 1879, inclusive, was 5,372,559; for the period 1880-1889, inclusive, 18,608,697; 1890-1899, 18,560,914; 1900-1909, 43,378,151. According to the estimates of the Nebraska labor bureau the yield in 1906 was 45,389,263; in 1909, 46,444,735. In the last two years the yield has not held its own on account of drought conditions in a part of the state.

The Rocky Mountain locust during the three years from 1874 to 1876 threatened the practicability of carrying on agriculture in Nebraska, inasmuch as there seemed to be plausible reason for fearing, if not believing, that the invasion by this pest might be continuous. A thorough acquaintance with the history of Nebraska, however, would have largely allayed this fear because it discloses that the immigration of these insects was not regular but at periodical intervals. In his famous Ash Hollow campaign of 1855, General William S. Harney and his command, when in camp near Court House Rock, now in Morrill county, observed that the air was full of grasshoppers; and they were an inch thick on the ground. Of course they destroyed "every blade of grass." W. A. Burleigh, in his report as agent for the Yankton Indians for 1864, says that crops were promising in that part of the country until the grasshoppers came in the latter part of July and destroyed every vestige of them throughout the territory. The air was filled with the insects so thickly as to produce a hazy appearance of the atmosphere, and every tree, shrub, fence, and plant was literally covered with them. In many places they carpeted the ground to the depth of from

one inch to two inches. They appeared in a cloud from the northeast extending over a belt some 275 miles wide and passed on towards the southwest, leaving the country as suddenly as they came after an unwelcome visit of three or four days. Mr. George S. Comstock made the statement in 1910 that grasshoppers did great damage on the Little Blue river, where he resided, in 1862 and 1864. Captain Eugene F. Ware relates in his history of the Indian war of 1864 (p. 275), that in August, 1864, at Fort Laramie—then within Nebraska territory—the air was filled with grasshoppers. They were bunched together in swarms like bees. He saw a cluster of the insects as big as a man's hat on the handle of a spade. Indian women were roasting, drying, and pounding them into meal to be made into bread. William M. Albin, superintendent of Indian affairs at St. Joseph, Missouri, reported in October, 1864, that "in consequence of the extreme drought, the backwardness of the spring, and immense swarms of grasshoppers, the crops in Kansas have been a partial, and in Nebraska and Idaho, a total failure." In his report for the same year, Benjamin F. Lushbaugh, agent of the Pawnee Indians, said that, "swarms and myriads of grasshoppers" came to that part of the territory in August, and they had not left a green thing. There had been no rain during the entire season until the last of June and none after that of any benefit. Oats at the Pawnee agency were injured by grasshoppers in 1873, and the crops entirely destroyed by the pests in 1874. This destruction induced the 1,840 Indians of that tribe who remained at the agency to follow the 360 who had gone to Indian territory in the winter of 1873. The crops of the Otoe and Missouri Indians were entirely destroyed by grasshoppers and dry weather in 1868. In 1876 they destroyed the crops at the Red Cloud and Spotted Tail agencies in Nebraska.

General Augur reported in 1868 that grasshoppers had entirely destroyed the gardens at Fort Kearny and Fort McPherson in Nebraska and also at Fort Bridger, Wyoming, and Camp Douglas, Utah. The *Nebraska Advertiser*, May 23, 1867, quotes statements

from Missouri newspapers that grasshoppers were destructive in parts of that state; and they did some damage in Nemaha county.

The *Omaha Herald* (weekly), July 11, 1870, said that not since 1857, until last fall, was Nebraska visited by grasshoppers. They had usually appeared in great armies in the fall. They first appeared this year in the spring and seemed to have been born among us. The law of their migration was from north to south, rarely in the reverse direction. They had never appeared in damaging force east of Grand Island or north of the Platte river. "This year entire fields of wheat in Cass, Otoe, Nemaha, and Richardson have been utterly destroyed while others have been seriously damaged. Their numbers may be judged by the statement of a friend that in one spot he pushed a knife blade through a solid layer of junior grasshoppers while the air was swarming with the busy seniors."

The *Nebraska Commonwealth*, August 15, 1868, noted that a grasshopper invasion in the neighborhood of Lincoln, lasting two days, partially used up a good many fields of corn. The most destructive invasion, however, was that of 1874. On the 8th of September Governor Furnas issued a proclamation appointing a committee of twenty citizens of the state to receive and distribute all contributions for the aid of sufferers from the pest. In his proclamation the governor said that the state as a whole had reaped a fair harvest. Though the corn crop had been greatly damaged by drought, as well as grasshoppers, the wheat and generally other crops had been saved. Corn being the principal first crop of the settlers, the loss had fallen hardest on the frontier counties where the people "have not the means to maintain themselves and their families during the coming winter without outside help." He solicited contributions from "the older and richer portions of the state." The drought had been almost universal throughout the world and had been more injurious in Nebraska than grasshoppers. The six hundred Granges in the state, twenty of them in the western part, began to gather relief data in September, 1874. Though most of the suffer-

ing was in the southwestern part, they reported York as one of the needy counties. At a meeting held in Lincoln, September 18th, J. Sterling Morton advocated making loans instead of gifts to the needy, and Alvin Saunders agreed with him. Colonel J. H. Noteware reported that he had visited twenty-seven counties and had received about five hundred letters asking for aid, but not as beggars. He estimated that there were 10,000 people in the state in need of contributions. Amasa Cobb, for the committee on organization, reported "Articles of Association and Incorporation of the Nebraska Relief and Aid Society," whose principal place of business should be at Omaha. The object of the association was to collect money, provisions, clothing, seeds, and other necessary articles and to distribute them "among the people of the western counties of the state who had been reduced to necessitous circumstances by the drought and grasshoppers of the past season." The capital stock of the association was fixed at \$500,000, in shares of \$1 each.

In his message to the legislature, delivered January 8, 1875, Governor Furnas stated that cash receipts from all sources had been \$37,279.73, and donations of various kinds of goods of the value of \$30,800.73 had been received. The governor reported that all the railroads in the state, as well as those leading up to it, had transported donations free of charge. Generals Ord, Brisbin, Dudley, and Grover, of the regular army, had engaged in the work of relief with great zeal; the secretary of war had issued clothing to those in need of it through General Ord; many persons of the older states contributed nobly and very liberally to the relief fund; and the Nebraska Patrons of Industry organized a state relief association and kindred societies in the other states also were actively engaged in the charitable enterprise. A very large proportion of those in the border counties and most in need of relief had been soldiers in the Civil war.

In his annual message to the legislature of 1877 Governor Silas Garber said that, contrary to scientific theories as to the habits and

nature of the grasshoppers, they had again visited the state in the months of August and September, 1876; and although no serious damage was done immediately by the insects, yet they deposited great quantities of eggs from which there was apprehension for the safety of the crops. It was estimated that 5,000 persons in eleven frontier counties were almost wholly dependent upon charity during the winter of 1874-1875. The *Daily State Journal* of November 3, 1874, notes that contributions from Chicago, Cincinnati, and other commercial points were coming in. The *Journal* estimated that there were 10,000 people to be cared for and \$1,500,000 would be required, not more than one-tenth of which could be raised by the relief society. Rations furnished by the organization would not buy coal, wood, shelter, or clothing. There had been a wholesale failure of corn — mainly planted on sod — and vegetables in a district running across the state from north to south and two hundred miles wide. The *Journal* argued that the legislature ought to spend \$1,000,000 next spring in grading railroad lines so as to give these people remunerative work.

Professor A. D. Williams was sent out by the *State Journal* to investigate conditions in the Republican valley, and his letters to the paper contained many harrowing stories of want and suffering. For example, an elderly woman said that she lived on a homestead near Rockton, Furnas county, with her husband who was sixty-eight years old. They had lost all their stock, except one yearling, by cattle fever. When she left home a few days before there was flour enough to make not more than five loaves of bread. "When that is gone we do not know how or where to get more except as aided." Her son (living near) had a wife and six children. They had one cow, one horse, and two yearlings, of the Texas breed, which he could not sell for anything, and two pigs, but nothing to feed to them. Fifty pounds of flour was his total supply for the winter. His children were nearly destitute of clothing and he could get no work to do. Another man had a family consisting of mother, wife, and six children. The mother

had been sick for a year. He had a team, two cows, and three pigs, but nothing to feed them. He had raised no wheat and only nine bushels of rye. He had 120 pounds of flour left and no meat, and could not get work. He was almost destitute of clothing, his feet being tied up in pieces of straw or cane sacks. He had come to the county three years ago with \$1,600. Another said, "I am fifty-six years of age, have a wife and son (a young man), a cow, and one horse and nothing to feed them. I planted fifty-five acres of corn and ten bushels of potatoes but raised nothing." He had nothing whatever to subsist on except as aided.

A statement of the Harlan County Aid Society showed that in Republican precinct there were 313 persons — 186 adults and 127 children. There were 4,150 bushels of wheat, but mostly owned by a few persons; 55 bushels of corn; 490 bushels of oats; 432 of potatoes; 89 cows; 46 oxen; 121 horses; 9 mules; 213 hogs; young stock, 149; poultry, 2,311. Seed was needed for 2,796 acres, seventeen families needed help and seven were entirely destitute. In Spring Creek precinct eleven families were destitute and eight more would need help within a week. In Sappa precinct eleven families were destitute and there were thirteen more with but a single sack of flour a week ago. In Prairie Dog precinct nine families were entirely destitute, three others would need help within thirty days, and seven others within sixty days. The secretary said that there was greater destitution in two precincts not reported than in Republican precinct. There were seventy families in the county entirely destitute and fifty-eight more would be in need within three weeks. Mr. J. M. McKenzie — state superintendent of public instruction from 1871 to 1877 — said that Furnas county was in worse condition than Harlan and clothing especially was needed there. "If any person doubts the reality let him do the people justice to visit them before he passes judgment."

A woman of the neighborhood, with three children, called at the house in Furnas county where Professor Williams was stopping, to

get a pail of salt. Their cow had died of starvation and she wanted to preserve the flesh for food. Her husband was absent hunting buffaloes. A man near Arapahoe had cultivated ninety acres of ground and got only a few beets. There were ten persons in his family, they had no money, and nothing to wear but garments made of bagging. Another family of eleven had no shoes, were nearly destitute of clothes, and had been without bread for a week. Another man, near Republican City, got fourteen and one-half bushels from four acres of wheat; two ears of corn from eighteen acres; and five bushels of potatoes. The only article of food he had was seven or eight pounds of flour. "A lady of culture with her dress torn to rags above the knees, with neither stockings nor shoes and no flour in the house, when asked if she needed assistance, burst into tears and said: 'I hope we are not paupers yet. . . .' An elderly gentleman with an old coat sleeve fashioned into a sort of turbaned cap, with his body garments almost literally in tatters, and some old boot legs rudely cut and tied over his feet, said he could get along for clothing, if they would only give his family something to eat."

General Dudley had made the best investigation of conditions. He found that local agents, though generally honest and conscientious, were not accurate in their estimates. They always said "about." He estimated that about one-tenth of the people raised enough wheat for their actual need; another one-tenth had enough resources accumulated to carry them through; another one-tenth lived by hauling relief stores from the railroads; and the remaining seven-tenths on the upper Republican were dependent on relief for six or eight months. The local estimate of the population was as follows: Harlan county, 3,000; Furnas county, 2,500; Red Willow, 1,000; Gosper, 260; Hitchcock, 200; total, 6,960. The correspondent thought there were probably 5,000 people in all in these counties, 3,500 of whom must be fed for six or seven months or starve. Franklin county was as bad, and also other counties north and northwest that were not included.

In addition to the bonds and other aid provided by the state legislature, an account of which has already been given, the federal Congress in the early part of 1875 appropriated \$30,000 in money for the purchase of rations, and clothing to the value of \$150,000, to be distributed among the people of the several states which had suffered from grasshoppers. Nebraska received only her share of this federal aid.

A convention to consider the grasshopper pest and to take action thereon was held at Omaha, October 25 and 26, 1876. An account of the ravages of the insect, in considerable detail, was prepared and signed by John S. Pillsbury, president of the convention, and Professors C. V. Riley and Pennock Pusey, secretaries. A memorial asking the federal Congress to establish a commission composed of three entomologists and three practical men of experience with the locusts, for the purpose of investigating the plague, and that the signal service be required to take observations of the movements of the insects, was signed by the governors of Missouri, Illinois, Iowa, Nebraska, Minnesota, and Dakota; by the state entomologists of Missouri and Illinois, respectively; by ex-Governor Furnas and ex-Governor Saunders; by Professors C. D. Wilbur and A. D. Williams of Nebraska; and by Professors Pennock Pusey and Allen Whitman of Minnesota. The memorial set forth that the grasshoppers overran sixteen states and territories in the year 1876; that many settlers in that section had suffered a total loss of crops for four successive years; and that the ravages of the insects had rapidly increased during the last twenty years.

Repeated shortage of rainfall in 1890, 1893, and 1894 was disastrous to crops, especially in the western part of the state. On account of these losses a large number of people became dependent upon public charity, as in the period of grasshopper invasions. The legislature of 1891 authorized the issue of bonds to the amount of \$100,000 to run five years at four per cent interest, for the purchase of seed grain and other supplies to be distributed to those who lost their crops in 1890, through a board of relief consisting of nine members.

The same legislature authorized counties to use their surplus funds and to issue bonds for the purchase of supplies to be sold at cost to such sufferers, and it appropriated \$100,000 from the state treasury for immediate relief. The legislature of 1895 appropriated \$50,000 for food and clothing and \$200,000 for the purchase and distribution of seed, and feed for teams. County boards were also authorized to issue bonds and use surplus funds for the latter purpose. In 1891 supplies were distributed in thirty-seven counties during about six weeks to an average of 8,000 families; in 1895, in sixty-one counties and to about 30,000 families. Donations amounting to \$28,999.38 were received from people in all parts of the country.

A record of the precipitation in Nebraska for the years from 1849 to 1902 inclusive shows that it is distributed with remarkable uniformity throughout this long period, probably more so than is commonly thought. A map prepared by the weather bureau of the University of Nebraska divides the state into six sections with reference to the amount of average annual precipitation covering a period of thirty-six years up to 1908 inclusive. The rainfall is highest in the southeastern section, reaching 30.21 inches; in the northeastern section it is 27.65; in the central section, which extends about as far east as the eastern boundary of Lincoln county, 24.64; the southwestern section, extending from near the western boundary of Holt county to the western border, 18.96; and the western section, which extends from the central section to the extreme western border of the state, 17.41.¹

¹ Below is a table prepared by G. A. Loveland, director of the weather bureau, University of Nebraska, giving the average precipitation of the different sections of the state for seven years:

	Northeast	Southeast	Central	Southwest	West	Northwest
1902	31.70	41.35	33.01	28.05	21.27	19.17
1903	35.98	37.21	30.71	25.50	14.36	19.88
1904	25.67	29.43	28.19	22.89	15.92	18.19
1905	34.20	35.92	36.17	33.30	24.81	25.52
1906	31.96	29.85	29.30	23.51	23.81	23.48
1907	24.09	29.07	18.90	16.90	15.60	18.58
1908	30.44	38.30	26.27	24.55	18.96	23.14

In European countries reforestation had long been a public care; and that important duty has been tardily undertaken by our own federal government. In Nebraska afforestation was, from the first, instinctively and sedulously preached and practiced. The tree-planting impulse sprang from that clear and pressing necessity which has been acknowledged in a venerable aphorism as the mother of invention. Among the more superstitious Africans the Nebraska love and longing for trees would have developed into fetichism. According to mythological tradition and poetical conceits groves have been the temples of the whole family of gods; but for the people of the Plains they promised a far more practical and substantial service in the form of physical shelter and fuel. This need and hope led to the offering of rewards for planting trees and to setting apart a day for inculcating planting precepts and further encouraging its practice.

At the meeting of the state board of agriculture, held in Lincoln, Thursday, January 4, 1872, Mr. D. T. Moore offered the following resolution:

Resolved, That in order to encourage the planting of forest trees in the state of Nebraska, the State Agricultural Society will award premiums, in the year 1872 and every year thereafter, at the discretion of the board, to the person who will plant and cultivate the greatest number of acres in forest trees, said trees to be in a good, healthy, thrifty condition and not more than four feet apart each way, as follows: For the best five acres or more planted in 1872, sixty dollars; for the second best five or more acres planted in 1872, thirty dollars.

J. Sterling Morton then offered the following:

Resolved, that Wednesday, the 10th day of April, 1872, be and the same is hereby set apart and consecrated for tree planting in the state of Nebraska; and the state board of agriculture hereby name it "Arbor Day"; and, to urge upon the people of the state the vital importance of tree planting, hereby offer a special premium of one hundred dollars to the county agricultural society of that county in Nebraska which shall, upon that day, plant properly the largest number of trees, and a farm library of twenty-five dollars worth of

books to that person who, on that day, shall plant properly in Nebraska the greatest number of trees.

On motion of James T. Allan, newspapers of the state were requested to keep the Arbor Day resolution standing in their columns until the next April, "to call the especial attention of the people of the state to the importance of the matter from time to time."

Though the treeless environment has from the first imbued the people of Nebraska with the tree planting spirit, these formal admonitions greatly stimulated its enthusiasm; and it was said that a million trees were planted in the state on the first Arbor Day. The *Daily State Journal*, April 11, 1872, said that James S. Bishop planted 10,000 cottonwood, soft maple, Lombardy poplar, box elder, and yellow willow trees, that day, on his farm southwest of Lincoln. In the season of 1869, Moses Sydenham, the well-known pioneer of Buffalo county, headed an advertisement in the *Journal* of evergreen and fruit trees with the slogan, "PLANT TREES! PLANT TREES! plant trees!" displayed in three graded lines. J. Sterling Morton afterward adopted an escutcheon for his stationery composed of the picture of a tree with this motto printed under it. There has been some dispute as to whether Mr. Morton really originated the Arbor Day idea. This probably grew out of the fact that many men simultaneously had in mind methods of this kind for promulgating tree planting. It would have been characteristic of Morton's alertness to catch and formulate the suggestion of this prevailing sentiment. At any rate, the phraseology of the Arbor Day resolution stamps Morton as its author. The next year — 1873 — the day was successfully observed without official notice. The state board of agriculture, at its January meeting, 1874, requested the legislature to make the second Wednesday of April of each year a legal holiday and governors to issue proclamations in the meantime, exhorting the people to observe the day by planting forest, fruit, or ornamental trees. Accordingly, on the 31st of March, 1874, Governor Furnas issued a proclamation designating Wednesday, April 8th, of that year as Arbor Day. This was the first official

recognition of the event. Successive governors issued similar proclamations, annually, until the 22d day of April of every year — the anniversary of Morton's birthday — was made a legal holiday by act of the legislature of 1885.

This Arbor Day conceit, first promulgated by the Nebraska state board of agriculture, was generally adopted by other states. Its usefulness lay chiefly in calling attention to the esthetic and economic value of trees and thus stimulating the planting habit. In two respects, however, its effect was more or less unfavorable. The trees were naturally planted hastily and therefore improperly and, in many of the states which adopted Mr. Morton's birthday as the anniversary, too late in the season; and it doubtless had a tendency to divert attention from the more important necessity and work of conserving forests and of reforestation on a scientific and methodical plan. Since the advent of scientific forestry, by governmental direction and support, observance of the day has fallen into desuetude.

The first organization of the Farmers' Alliance in the United States occurred in the year 1879. Its principal activity was in the northwestern states, and its main object was to unite farmers for the purpose of promoting their economic interests, which involved political reform. The first Alliance for Nebraska was organized near Filley, Gage county, in 1880. The State Alliance was organized at Lincoln, in 1881, when E. P. Ingersoll of Johnson county was chosen for the first president and Jay Burrows of Gage county, the first secretary. In 1887 the State Alliance was organized as a secret society at a meeting held in Lincoln, when a constitution, by-laws, ritual, and declaration of principles were formulated and adopted. While the declaration was comprehensive and quite idealistic, surcharged with philanthropic sentiment and radical plans for economic reform, the hard times which began to be grievously felt in 1890 pushed the organization into practical politics. This movement naturally excluded other aims and broke up the organization of the society.

The Alliance overshadowed and displaced

the Patrons of Husbandry which at one time was active in Nebraska; but it no longer preserves an organization in the state. There are no available records of the proceedings of either of these important organizations, so that their historical data consist only of fragmentary newspaper paragraphs. The principal features of the history of the Alliance are involved in the story of the political career of the populist party in this volume. The following sketch of the Patrons of Husbandry, from the *Daily State Journal*, of December 21, 1876, is of some historical value. While the Alliance deliberately subverted its broader sociological aims by resolving itself into a political party, designing politicians deliberately broke into the Granges and this ended their usefulness and, probably, was instrumental in ending their existence:

The Nebraska state grange, which met in this city at 2 o'clock Tuesday, is an organization that has attracted to itself a great deal of interest from all over the state, both within and without the order it represents. It was first organized in August, 1872, at which time subordinate granges existed principally in the river counties, and of these Cass county led off considerably in point of numbers. There were a few in Saunders county and one, the first organized in the state, in Harlan county, on the Republican river, of which J. H. Painter, Esq., was master. At the first organization, Cass county, holding the balance of power among the delegates, secured the two chief offices in the state grange to herself, Hon. William B. Porter, of Plattsmouth, being elected master, and William McCraig, of Elmwood, being chosen secretary. Numerous deputies were appointed with power to organize subordinate granges in every township, and their efforts were rewarded with frequent meetings, to which the farmers and their wives, starved, as many of them were, for social entertainment and relaxation, very greatly gathered, heard the constitution and by-laws read and explained, listened to the honeyed words of the honest looking deputy, and, believing that they had at last found the panacea for all the ills that a farmer's life is subjected to, handed in their initiation fees, and were quickly instructed in all the mysteries of the ritual, signs, grips, and passwords, and were declared Patrons of Husbandry organized and ready for work. Thus grew the order. The deputies were active, and made

hay while the sun (of grangerism) shone brightly. As the annual state meetings fell due, the membership annually doubled until, in 1874, nearly 600 delegates were in the hall with their credentials, and from each grange in the state.

At the annual meeting in December, 1873, the state grange decided to move in the matter of obtaining the staple commodities of their business from first hands, thus hoping to save to their members the profits and commissions they paid to agents and dealers in agricultural implements, household utensils, and some of the more staple cloths and groceries. Accordingly the office of state purchasing agent was created, his compensation provided for, and the mistake committed of electing the secretary of the order, William McCaig, to the agency, he at the same time holding his position as secretary. McCaig had exalted ideas on the wonderfulness and permanency of the order; and hence of its resources, and concluded that the true way for the Patrons of Nebraska to get implements was to manufacture them; and whether correct or not, certain it is that two factories were started, one at Plattsmouth for the manufacture of corn plows, cultivators, and harrows, and one at Fremont for constructing a header, under the patents of one Turner.

The factories seem not to have paid as was anticipated, and parties who had become security for the material used soon found themselves unpleasantly involved. The sureties included a few sound and well meaning men in this and Cass counties, and one or two others who meant well for themselves. The two brothers of the agent were also interested in the enterprise, and when it was discovered that in some way there had been a miscalculation, and the Plattsmouth factory especially was calling for more money than it produced, it was charged that money sent to the agents in considerable sums for the purchase of machinery, was never afterwards heard from nor any equivalent sent. The matter was touched upon somewhat at the annual meeting in 1874, but so little was then known that no suspicion of wrong was allowed to rest on anyone. The biennial election occurring at that meeting, Mr. Porter was reelected master, and Mr. E. H. Clark, of Blair, secretary; but the purchasing agency was left in Mr. McCaig's hands, he asserting his ability to clear everything up if given a little more time to devote thereto.

It may be only just to remark in parting that all these ventures and complications were woven together during the memorable grass-

hopper raid of 1874 when the agricultural community were nearly prostrated in their resources, and that had ordinarily good times prevailed, the factory venture might not have failed and the temptation to misappropriate moneys on hand, might not have existed.

Everything was now thought to be serene in the secretary's office, as the new incumbent held the respect and confidence of all who knew him, and hence the affairs of that office passed for a long time unnoticed, while the frequent attention of the executive was called to the business transactions of the purchasing agency which resulted in the relief of Mr. McCaig from the position in July, 1875, and the appointment of P. E. Beardsley, Esq., in his place. This office Mr. Beardsley has filled ever since; his work, however, having been mainly the thorough overhauling and classifying of his predecessor's accounts.

At the fifth annual meeting held in Fremont, in December, 1875, Worthy State Master Mr. William B. Porter resigned his office, for prudential reasons, and Hon. Church Howe, of Brownville, was elected his successor.

Meantime all was lovely in the secretary's office at Blair. A faint suspicion began to exist that the new secretary was shaping his bookkeeping in such a manner as to cover up questionable transactions of the old. The executive committee (the general committee of safety for the order) took occasion to look over his books, and the result of their investigation led to the resignation of Mr. Clark, and Mr. Beardsley was immediately installed as his successor, the secretary's office was moved to Lincoln, and Mr. Beardsley has attended to both offices for the past eight or nine months. As if the measure of their misfortune was not yet full, eventful fate has ordained that several suits, growing out of irregularities (not to use a more expressive term) of the first secretary and purchasing agent, have been commenced by injured parties against the "State Grange of Nebraska," being the body composed of delegates who voted to appoint Mr. McCaig to be their agent. As purchasers they are doubtless to some extent liable, and what that extent may be will be decided in due time by the district and state courts. It will devolve upon the body assembled here today to consider thoroughly, carefully, and logically, the events of the past and note well their causes and effects. It will be well for them to bear constantly in mind that on their action depends solely the life and future usefulness of the order, or its speedy dissolution in the state. They should not work in haste for

they cannot afford to execute one reckless or ill considered act. They should profit by the lessons of the past, and entrust their future to none but able and trusty officers. They should in a great degree be bold, self-reliant, and enterprising, exercising the while good judgment and discretion. Every proposition should be critically weighed, examined, and adjusted, and no legislation blindly accepted, nor indeed blindly rejected. With deliberate councils and wise legislation we believe the Nebraska State Grange can recover its credit, strengthen its membership, regain public confidence, reclaim its old friends, and casting off the load of rascality and incompetency that has well nigh been its ruin, rise in its renewed strength, and eventually accomplish the great mission of its existence, the elevation and ennobling of the profession of the farmer.

The twenty failures of national banks occurred in the period from 1891 to 1898 inclusive, except one in 1886, while there have been 136 failures in the country at large since that time. No state bank failed in 1890 but there were ten failures from 1891 to 1900 inclusive. Of the twenty national banks, the Capital National of Lincoln, the First National of Ponca, the First National of Red Cloud, the First National of Alma, and the First National of Neligh were wrecked through embezzlement and other frauds of their officers; nine failed through "imprudent" management; the rest of the failures, presumably, may be attributed to the hard times, but whose most important effect was to disclose dishonesty and bad management. The failure of the Capital National of Lincoln occurred January 21, 1893, and it caused great disaster and inexpressible suffering. Its president, Charles W. Mosher, whose exploits as lessee of convict labor at the penitentiary have already been recounted, ruthlessly gutted the bank. By an astonishing perversion of justice, as the public generally felt and believed, by pleading guilty he was let off with a term of only five years in the penitentiary. The officers of the First National bank of Ponca and the First National bank of Neligh were also prosecuted and three of them were sent to the penitentiary. The Capital National bank of Lincoln paid dividends to the amount of 17.71 per cent of the loss, \$220,126 in all. A pro-

digious amount of litigation grew out of this failure and there was much criticism on account of the large sum expended in it. The legal expense of the receivership of this bank was \$54,496. The First National bank of Ponca was a good second to the Capital National in the rascality of its officers. It paid 22.40 per cent of its losses. The First National bank of Alma, also a "criminal" bank, paid 3.70 per cent; the First National bank of Holdrege nothing at all. The First National bank of Grant, which failed August 14, 1894, paid 100 per cent; and the First National bank of Blair which failed in 1886, also paid out in full.²

The Trans-Mississippi and International Exposition, held at Omaha June 1 to October 31, 1898, was a splendid and very impressive exhibit of the products and resources of the section west of the Mississippi river and especially of the trans-Missouri part of it, and also of the great creative and executive capacity of citizens of Omaha who conceived and, in the main, carried it to a successful issue. The exposition was projected at the annual meeting of the Trans-Mississippi Congress held at Omaha in November, 1895. William J. Bryan presented the preliminary resolution declaratory of the intention to hold the exposition and requesting the federal Congress to give the assistance usual in such cases. At a public meeting held in Omaha December 27, 1895, it was decided "that the project of an exposition should be carried out." On the 6th of June, 1896, the Congress of the United States appropriated \$200,000 for the purpose of erecting a building and making an exhibit on the part of the federal government thereon.

²The records of the state banking board show the following banks closed, with the amount of deposits in such banks:

Year	No. Closed	Deposits	
1890	none		
1891	8	no record	See page
1892	7	71,997.18	26,
1893	17	652,175.79	Annual
1894	8	197,283.25	Report,
1895	17	584,655.80	1910.
1896	42	1,156,888.81	
1897	5	144,507.34	
1898	2	35,730.06	
1899	1	13,829.96	
1900	1	39,975.91	

The Nebraska legislature of 1897 appropriated \$100,000 for a similar purpose on behalf of the state and authorized the governor to appoint a board of six directors—one from each congressional district—to expend the money appropriated in conjunction with “the board of directors of the corporation known as the Trans-Mississippi and International Exposition Association.” Douglas county appropriated a like amount to promote the enterprise; and the city of Omaha expended about \$30,000 in parking and otherwise ornamenting the grounds. Other states made appropriations as follows: Georgia, \$10,000; Illinois, \$45,000; Iowa, \$30,000; Montana, \$30,000; New York, \$10,000; Ohio, \$3,000; Utah, \$8,000; Arizona territory, \$2,000; total public appropriations, \$338,000. The sum of \$175,000 was raised by private subscription of citizens of Colorado, Kansas, Minnesota, Missouri, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Washington, Wisconsin, Wyoming, and Los Angeles county, California. The states of Georgia, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, New York, and Wisconsin erected creditable buildings for their exhibits and social convenience, on the exposition grounds. The other states which contributed exhibits were Alabama, Arkansas, California, Colorado, Idaho, Indiana, Louisiana, Massachusetts, Missouri, North Dakota, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wyoming. The territories of Arizona, Indian Territory, and New Mexico were also represented.

At a meeting of citizens of Omaha held January 18, 1896, articles of incorporation of the Trans-Mississippi International Exposition Company were adopted. The articles provided for capital stock to the amount of one million dollars in shares of ten dollars each. At this meeting eleven directors were elected, namely: Gurdon W. Wattles, Jacob E. Markel, W. R. Bennet, John H. Evans, Dudley Smith, Daniel Farrell, Jr., George H. Payne, Charles Metz, Isaac W. Carpenter, Henry A. Thompson, Carroll S. Montgomery. January 20th the directors elected officers as follows:

Gurdon W. Wattles, president; Jacob E. Markel, vice president; John A. Wakefield, secretary. December 1, 1896, the corporation was reorganized and the number of directors increased to fifty. On the 16th, Gurdon W. Wattles was elected president; Alvin Saunders, vice president; John A. Wakefield, secretary; Herman Kountze, treasurer; Carroll S. Montgomery, general counsel. An executive committee was chosen as follows: department of ways and means, Z. T. Lindsey; of publicity, Edward Rosewater; of promotion, Gilbert M. Hitchcock; of exhibits, E. E. Bruce; of concessions and privileges, A. L. Reed; of grounds and buildings, F. P. Kirkendall; of transportation, W. N. Babcock. July 9, 1897, Mr. Hitchcock resigned the office of manager of promotion, and that department was thereupon consolidated with the department of publicity under the management of Edward Rosewater. James B. Haynes was superintendent of this department. The total cost of the buildings on the grounds, exclusive of state buildings, was \$565,034. The total stock subscription collected was \$411,745; total donations, \$141,670.20; earnings of the exposition, \$1,389,018.38. After the settlement of the business of the exposition ninety per cent of the stock subscription was returned to stockholders, an unprecedented incident in exposition experiences and which leaves nothing to be said in praise of the managerial skill of President Wattles and his directory.

The general architectural effect of the exposition deserved the praise it won on every hand and the electrical display of it, at night, was notably fine. This great enterprise was of material benefit to Omaha and Nebraska; but its chief justification lay in the enjoyment it afforded to the vast number of people to whom it was accessible and who had theretofore been out of range of great exhibitions of its kind. The resulting awakening and improvement of popular taste and insight into the mechanical and industrial genius of the country were incalculably beneficent.

In the year 1910 a comprehensive illustrated history of the exposition was published by the authority of its board of directors.

CHAPTER XXXIII

HISTORY OF RAILROAD CONSTRUCTION — FINAL INDIAN HOSTILITIES — NEBRASKA IN THE WAR WITH SPAIN

Burlington & Missouri Lines. The company now known as the Chicago, Burlington & Quincy railroad company was chartered by a special act of the Illinois legislature, dated February 12, 1849, under the name of the Aurora Branch railroad company.

The incorporators were citizens of Aurora, Illinois, and vicinity. This company built from Aurora to a connection with the Galena & Chicago Union railroad (now Chicago & Northwestern) at Turner Junction, about twelve miles. The track was laid with wooden rails faced with strap iron and was opened for business September 2, 1850.

The Burlington & Missouri River railroad company was incorporated in Iowa, January 15, 1852. The first incorporators were citizens of Burlington and vicinity.

The Burlington Railroad. The original incorporators found it impossible to raise money enough to complete even the first thirty miles, and the aid of the parties who were then engaged in building the C., B. & Q. was sought soon after construction began. In 1856 a valuable land grant was obtained, but even this was not sufficient to attract investors, and it took about seven years to build the first seventy-five miles to Ottumwa. After that nothing was done until 1865, when it became possible to sell at a large discount the bonds of the road secured by the road itself and the land grant, and the road was slowly extended until it was completed to the Missouri river in 1870.

A branch from Albia to Knoxville, Iowa, 33 miles, was built and opened November 17, 1875.

The Quincy, Alton & St. Louis road, from Quincy, Illinois, to Louisiana and Hannibal,

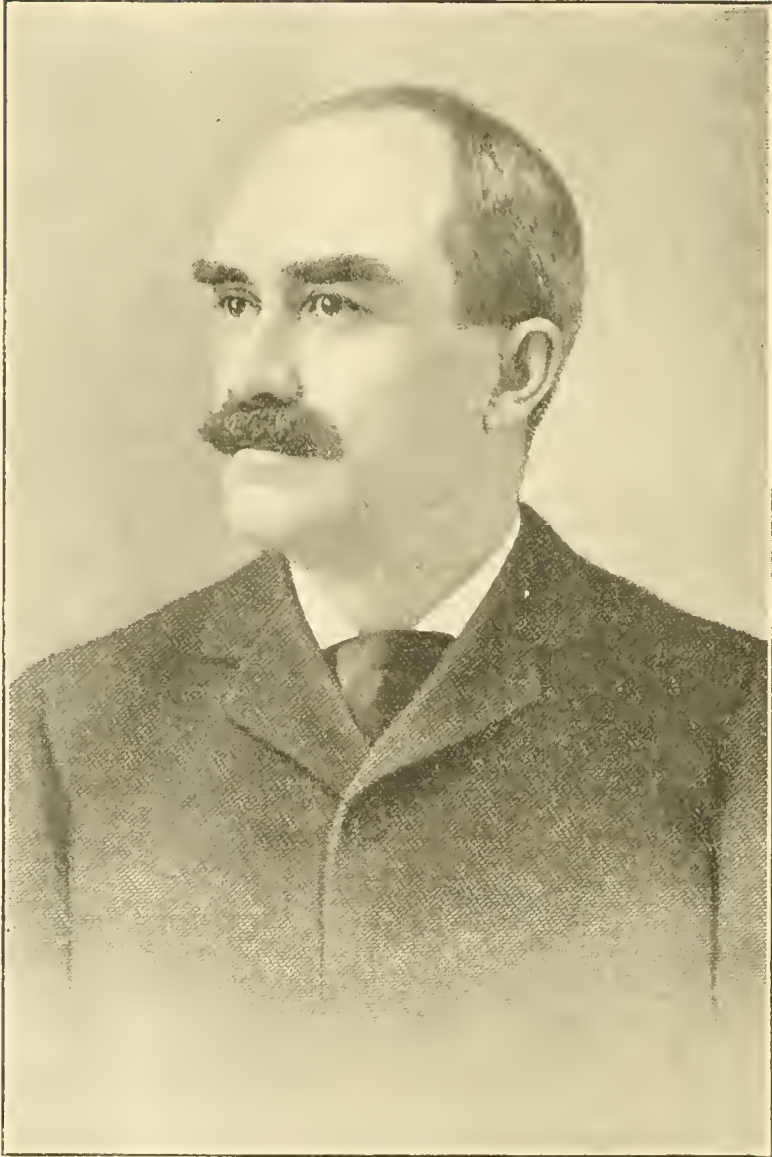
Missouri, 46 miles, was leased and operated by the C., B. & Q. from February 1, 1876.

The C., B. & Q. also purchased the securities of the St. Louis, Rock Island & Chicago railroad company and operated the road from October 1, 1876. The mileage was: Gladstone to Keithsburg, Illinois, opened December 17, 1869, 17 miles; Sterling to Rock Island, Illinois, opened January 12, 1870, 52 miles; Rock Island to Wann, Illinois, opened November 21, 1870, 215 miles; Cleveland branch, 2 miles; a total of 286 miles. This road was incorporated in 1855 as the Rock Island & Alton railroad company and, after several changes of name and foreclosures, was finally reorganized as the St. Louis, Rock Island & Chicago railroad company and sold to the C., B. & Q. as above stated.

In 1878 a branch was built from Hastings to Sidney, Iowa, opened December 2d, 21 miles.

In 1879 branches were built: Chariton to Indianola, Iowa, opened February 23, 33 miles; Creston to Fontanelle, Iowa, opened May 6, 28 miles; Clarinda, Iowa, to Burlington Junction, Missouri, opened October 19, 21 miles; Leon to Mt. Ayr, Iowa, opened September 26, 35 miles.

In 1880 branches and extensions were built: Port Byron Junction to Rock Island, Illinois, opened January 6, 7 miles; Knoxville to Des Moines, Iowa, opened January 10, 35 miles; Red Oak to Griswold, Iowa, opened January 17, 18 miles; Mt. Ayr, Iowa, to Grant City, Missouri, opened September 20, 22 miles; Hastings to Carson, Iowa, opened October 6, 16 miles; Bethany Junction to Bethany, Missouri, opened November 15, 29 miles. The Burlington & Missouri River railroad com-



GEORGE W. HOLDREDGE

General manager of the Burlington & Missouri River railroad west of
Missouri river

pany in Nebraska was incorporated May 12, 1869, and the construction of the line from Plattsmouth to Kearney was begun in July of that year; it was completed to Kearney Junction, Nebraska, September 18, 1872. This company was consolidated with the C., B. & Q. R. R. Co. under date of July 26, 1880, at that time having a mileage of 836 miles as follows: Plattsmouth to Kearney Junction, opened September 18, 1872, 191 miles; Pacific Junction, Iowa, to Plattsmouth, Nebraska, including the bridge across the Missouri river at Plattsmouth, 2 miles; Republican Valley railroad, Hastings to Red Cloud, Nebraska, opened November 4, 1878, 41 miles; Red Cloud to Bloomington, Nebraska, opened March 10, 1879, 29 miles; Bloomington to Republican, Nebraska, opened January 25, 1880, 12 miles; Republican to Orleans, Nebraska, opened February 29, 1880, 12 miles; Orleans to Arapahoe, Nebraska, opened April 17, 1880, 27 miles; Arapahoe to Indianola, Nebraska, opened May 23, 1880, 28 miles; York to Aurora, Nebraska, opened November 3, 1879, 22 miles; Aurora to Central City, Nebraska, opened April 4, 1880, 20 miles; Amboy to Hubbell, Nebraska, opened June 13, 1880, 53 miles.

The Omaha & Southwestern railroad was incorporated February 13, 1868, and leased to the B. & M. in perpetuity under date of July 19, 1871. At the time of the consolidation of the C., B. & Q. and B. & M. the mileage of the O. & S. W. was: Omaha to Oreapolis, Nebraska, opened in 1870, 17 miles; Crete to Beatrice, Nebraska, opened December 22, 1871, 30 miles.

The Atchison & Nebraska railroad was formed by the consolidation, August 10, 1871, of the Atchison & Nebraska and the Atchison, Lincoln & Columbus railroad companies. At the time of the consolidation of the C., B. & Q. and the B. & M. the mileage was: Atchison, Kansas, to Lincoln, Nebraska, opened September 1, 1872, 143 miles; Branch to Rulo, Nebraska, built by the Burlington & Southwestern railroad and sold to the A. & N. in 1871, 2 miles.

The Lincoln & Northwestern railroad was

leased to the B. & M. in perpetuity under date of January 1, 1880. At the time of the consolidation of the C., B. & Q. and B. & M. the mileage was: Lincoln to Columbus, Nebraska, opened May 18, 1880, 73 miles.

In 1880 the C., B. & Q. also purchased the securities of the companies named below:

Chicago, Burlington & Kansas City railway company, operated by C., B. & Q. from September 1, 1880. This road was the result of consolidations and foreclosures of a number of local companies and at the time of its purchase by the C., B. & Q. the mileage was: Viola, Iowa, on the Keokuk branch of the C., B. & Q. to Laclede, Missouri, opened September 27, 1876, 158 miles.

Kansas City, St. Joseph & Council Bluffs railroad company, operated by C., B. & Q. from April 17, 1880. At this date the mileage was: Harlem, Missouri, to Council Bluffs, Iowa, 193 miles; Amazonia to Hopkins, Missouri, 50 miles; Nebraska City Junction to Missouri river, 4 miles; Winthrop Junction to Atchison bridge, 1 mile. This road was built by a number of local companies, the most important of which were the Missouri Valley, St. Joseph & Council Bluffs and Council Bluffs & St. Joseph companies, the latter an Iowa corporation. All were consolidated under the name of the present company in 1869 and 1870. The road from St. Joseph to Council Bluffs was opened in December, 1867. From St. Joseph south to Harlem and north to Hopkins was built in 1869 to 1870.

St. Joseph & Des Moines railroad, a narrow gauge road, extending from St. Joseph to Albany, 48 miles, opened October 15, 1879.

January 1, 1881, the C., B. & Q., having previously purchased all the securities of the St. Louis, Keokuk & Northwestern railroad company, took possession of the road. At this date the mileage was as below: Keokuk, Iowa, to St. Peters, Missouri, 128 miles, Keokuk to Mt. Pleasant, Iowa, 48 miles. The road from Keokuk to St. Peters was built in sections by a large number of local companies, which, by consolidations and foreclosure sales, were all merged into the St. L., K. & N. W. R. R. The first section completed was from

West Quincy to La Grangè, Missouri, which was opened on January 31, 1871. It was opened to Keokuk in March, 1882. The section from Keokuk to Mt. Pleasant was built in 1880 and 1881 and was opened to Mt. Pleasant January 31, 1881.

In 1882 branches and extensions were built: Bethany to Albany, Missouri, opened October 1, 18 miles; Beatrice to Wymore, Nebraska, opened February 7, 12 miles; Wymore to Endicott, Nebraska, opened July 25, 51 miles; Table Rock to Wymore, Nebraska, opened December 5, 38 miles; Nemaha to Calvert, Nebraska, opened October 10, 9 miles; Indianola to Culbertson, Nebraska, opened October 10, 23 miles.

In 1882 branches and extensions were built: Sheridan to Paw Paw, Illinois, opened November 27, 20 miles; Clarinda, Iowa, to Northboro, Missouri, opened July 10, 18 miles; Culbertson, Nebraska, to Denver, Colorado, opened May 29, 244 miles; Auburn to Tecumseh, Nebraska, opened August 30, 23 miles.

The Chicago, Burlington & Kansas City railway was extended from Laclede to Sumner, 10 miles, opened July 17, 1882.

In 1881 the C., B. & Q., jointly with the Wabash company, began the construction of a road in Iowa from Van Wert on the Missouri, Iowa & Nebraska (now Keokuk & Western railroad) to Shenandoah, Iowa, 95 miles, opened to Shenandoah November 18, 1882. This road was operated independently until 1896 when the C., B. & Q. bought the Wabash interest and under date of May 1, 1896, took possession of the property.

In 1883 branches and extensions were built: Tecumseh to Beatrice, Nebraska, opened September 2, 33 miles; Nemaha to Salem, Nebraska, opened December 20, 18 miles; Kearsaw to Holdrege, Nebraska, opened November 15, 40 miles.

In 1883 the C., B. & Q. purchased the stock of the Hannibal & St. Joseph railroad company and took possession of the road on May 1, 1883. At that date the mileage was: Hannibal to St. Joseph, opened February 15, 1859, 206 miles; Quincy to Palmyra, Missouri,

opened April 1, 1860, 13 miles; Cameron to Missouri river, opposite Kansas City, opened November 30, 1867, 54 miles; Kansas City bridge, opened July 3, 1869. The H. & St. J. R. R. Co. was incorporated February 16, 1847, and after the usual financial difficulties and reverses finally secured aid from the state in land and bonds and was completed as above. The bonds issued by the state were repaid by the company.

In 1884 branches and extensions were built: Chester to Hebron, Nebraska, opened January 3, 12 miles; De Witt to Tobias, Nebraska, opened May 1, 24 miles; Holdrege to Oxford, Nebraska, opened August 4, 20 miles; Aurora to Grand Island, Nebraska, opened June 8, 18 miles; Odell, Nebraska, to Concordia, Kansas, opened August 24, 70 miles.

The Chicago, Burlington & Kansas City railway was extended from Sumner to Bogard, 21 miles, opened October 17, 1884.

In 1885 branches and extensions were built: Fontanelle to Cumberland, Iowa, opened August 5, 20 miles; Holdrege to Elwood, Nebraska, opened August 12, 28 miles; Republican, Nebraska, to Oberlin, Kansas, opened October 12, 78 miles.

The Chicago, Burlington & Kansas City railway was extended from Bogard to Carrollton, Missouri, 7 miles, opened June 23, 1885, and the St. Joseph & Des Moines railroad, 49 miles, was changed from narrow, to standard gauge and leased to the C., B. & Q.

In 1886 branches and extensions were built: Galesburg to Rio, Illinois, opened October 31, 12 miles; Tobias to Holdrege, Nebraska, opened December 26, 113 miles; Elwood to Curtis, Nebraska, opened October 6, 44 miles; Fairmont to Hebron, Nebraska, opened December 6, 33 miles; Edgar to Superior, Nebraska, opened August 4, 26 miles; Grand Island to Anselmo, Nebraska, opened September 13, 101 miles; Aurora to Hastings, Nebraska, opened September 13, 28 miles.

In 1887 branches and extensions were built: Omaha to Ashland, Nebraska, opened January 3, 25 miles; Anselmo to Whitman, Nebraska, opened May 30, 99 miles; Curtis, Nebraska, to Cheyenne, Wyoming, opened De-

ember 11, 263 miles; Central City to Greeley, Nebraska, opened August 15, 44 miles; Greeley to Burwell, Nebraska, opened December 15, 41 miles; Palmer to Arcadia, Nebraska, opened October 31, 54 miles; Ashland to Schuyler, Nebraska, opened October 24, 51 miles; Orleans, Nebraska, to Blakeman, Kansas, opened November 13, 95 miles.

In 1887 the C., B. & Q. purchased the securities of the Denver, Utah & Pacific railroad company, a narrow gauge road from Denver to Lyons, Colorado, with two short branches, aggregating about 49 miles of road, which had been built from 1881 to 1885. It was, however, operated independently and was not included in the mileage of the C., B. & Q. until 1889, when it was changed to standard gauge.

In 1888 branches and extensions were built: Streator to Walnut, Illinois, opened June 1, 59 miles; Whitman to Alliance, Nebraska opened February 3, 69 miles; Greeley Center to Ericson, Nebraska, opened May 7, 19 miles; Blakeman to St. Francis, Kansas, opened July 8, 39 miles.

In 1889 branches and extensions were built: Alliance, Nebraska, to Cambria, Wyoming, opened December 1, 162 miles; Culbertson to Beverly, Nebraska, opened November 1, 10 miles; Denver to Lyons, Colorado, changed to standard gauge and leased to C., B. & Q. September 1, 1889, 41 miles.

In 1890 branches and extensions were built: Newcastle to Merino, Wyoming, opened August 5, 30 miles; Edgemont to Hill City, South Dakota, opened November 4, 60 miles.

In 1890 the C., B. & Q. began an extension of the St. Louis, Keokuk & Northwestern railroad from old Monroe, on the main line to St. Peters, to St. Louis. This extension was 48 miles in length and included a double track steel bridge across the Missouri river at Bellefontaine Bluffs. It was opened on March 4, 1894.

In 1890 the C., B. & Q. purchased the stock of the Chicago, Burlington & Northern railroad company, which had been built in 1885 and 1886 from Oregon, Illinois, to St. Paul, Minnesota, and from Fulton to Savanna, Illinois. The mileage owned is: Oregon,

Illinois, to St. Paul, 332 miles; Fulton to Savanna, Illinois, 17 miles; Galena Junction to Galena, Illinois, 4 miles; and also short branches to Dubuque, Iowa, and Winona, Minnesota, aggregating 2 miles.

In 1891 branches and extensions were built: Beverly to Palisade, Nebraska, opened December 22, 8 miles; Merino to Gillette, Wyoming, opened August 12, 48 miles; Hill City to Deadwood, South Dakota, opened January 28, 46 miles; Minnekata to Hot Springs, South Dakota, opened July 3, 13 miles.

In 1892 the Chicago & Iowa railroad, which had for some years been controlled by the C., B. & Q. through its ownership of the C. & I. securities, was under date of January 1, 1892, leased to the C., B. & Q. The road was from Aurora to Forreston, Illinois, and from Flag Center to Rockford, Illinois, 23 miles.

In 1892 branches and extensions were built: Palisade to Imperial, Nebraska, opened August 15, 31 miles; Gillette to Sheridan, Wyoming, opened November 26, 101 miles.

In 1893 branches and extensions were built: Englewood to Spearfish, South Dakota, opened December 11, 32 miles; Sheridan to Alger, Wyoming, opened July 14, 7 miles.

In 1894 an extension was built from Alger, Wyoming, to Billings, Montana, opened October 28, 122 miles.

Under date of May 1, 1896, the C., B. & Q. leased the Humeston & Shenandoah railroad from Van Wert to Shenandoah, Iowa, 112 miles, which had heretofore been owned jointly by the C., B., & Q. and Wabash companies.

In 1899 branches and extensions were built: Grant City to Albany, Missouri, opened November 6, 20 miles; Arcadia to Sargent, Nebraska, opened October 31, 19 miles.

In 1899 the C., B. & Q. purchased all the securities of the Keokuk & Western railroad company and took possession of the property on May 1, 1899. The road extended from Alexandria, Missouri, to Van Wert, Iowa, 143 miles, completed in 1880, and from Des Moines, Iowa, to Cainsville, Missouri, 110 miles, completed in 1884.

In 1899 the C., B. & Q. purchased the se-

curities of the Chicago, Fort Madison & Des Moines railroad and took possession of the road on November 1, 1899. The road is from Fort Madison to Des Moines, Iowa, 71 miles.

In 1900 branches and extensions were built: Alliance, Nebraska, to Guernsey, Wyoming, opened June 11, 131 miles; Northport, Nebraska, to Brush, Colorado, opened September 16, 113 miles; Hill City to Keystone, South Dakota, opened February 25, 9 miles. About twenty miles of this is leased from and used jointly with the Union Pacific.

In 1906 a line was built from Ashton to Laketon or South Sioux City (107 miles), and in 1907 the line from Laketon to O'Neill, Nebraska, was purchased.

In 1909 a branch, 7 miles long, was built from Lincoln to Cobb Junction, Nebraska.

The Chicago & Northwestern Lines. The Sioux City & Pacific railroad company was organized August 1, 1864, in Iowa. The Northern Nebraska Air Line was organized June 7, 1867. The Sioux City & Pacific acquired the Northern Nebraska Air Line by consolidation September 15, 1868. It was built from California Junction, in Iowa, to the Missouri river and from the Missouri river near Blair, Nebraska, to Fremont, completed in February, 1869. Its Iowa organization received a small grant of lands through act of Congress, of July, 1864. It maintained a steamboat ferry at Blair in summer, and generally, in extreme cold weather, a track on the ice across the Missouri river in winter. to the time of the completion of the present Missouri Valley & Blair railway and bridge, August 9, 1882.

The Fremont, Elkhorn & Missouri Valley railway company was organized January 20, 1869. This company never had any land grant. It commenced construction at Fremont, after the completion of the Sioux City & Pacific to that point in 1869. It was extended in that year to Maple Creek, Nebraska, ten miles north of Fremont. In 1870 it was completed to West Point and in 1871 to Wisner, and there rested till 1879, when it was extended fifty-eight miles to Oakdale, and in 1880 to Neligh; also from Norfolk Junction

to Plainview. In 1881 the branch was extended from Plainview to Creighton, ten miles, and the main line in the same year was extended from Neligh to Long Pine, about ninety-eight miles.

In 1882 it was further extended from Long Pine to Thacher, fifty miles, and again in 1883 from Thacher to Valentine, six miles. The line to the military post of Niobrara, three and one-half miles north of Valentine, was constructed and occupied in the fall and winter of 1880-1881.

At Valentine the Fremont, Elkhorn & Missouri Valley railroad rested till 1885, during which time, or before it commenced building again, the road was sold to the Chicago & Northwestern railway company, and its future extensions were under the direction and ownership of that corporation. In 1885 it was extended to Chadron, and from Chadron to Buffalo Gap, South Dakota; in 1886 from Buffalo Gap to Rapid City, South Dakota. In September, 1886, another branch was completed and opened from Fremont to Wahoo, and on October 25, 1886, the same branch was completed and opened to Lincoln.

Another line was completed and opened December 6, 1886, from Scribner to Lindsay. The next year, 1887, this line was extended through Boone, Stanton, and Madison counties, to Oakdale, the then county seat of Antelope county. There it intersected and connected with the main line. That line was completed June 13, 1887. November 21, 1887, the Black Hills line was completed and opened from Rapid City to Whitewood, South Dakota. In the same year, December 18, 1887, another line, having been constructed, was opened from Arlington to Irvington and to South Omaha, also to a junction with the C., St. P., M. & O. railway into Omaha. The same year another line was built from the Fremont-Lincoln line on the west side of the Platte river to Linwood and extended from Linwood to Geneva. In 1888 this line was extended from Geneva to Superior and the Kansas state line. It was opened September 6, 1888. In 1888 the branch now known as the "Niobrara line" was extended from Creigh-

ton to Verdigris, opened September 4th. In 1890 a line was built from Buffalo Gap to Hot Springs, South Dakota, and one from White-wood to Deadwood, both opened December 29, 1890. In 1891 extensions into Deadwood were made, also, to Bald Mountain. some twenty or thirty miles of narrow gauge mountain line.

In 1886 another line was constructed from the main line in Dawes county, from a point called Dakota Junction, to the Wyoming state line, and extended thence, under the name of the Wyoming Central railroad company, from the state line to Douglas, Wyoming, opened September 1st. November 21, 1887, the Wyoming Central was completed and opened from Douglas to Glen Rock, and in 1888 from Glen Rock to Casper, Wyoming. In 1901-1902 the Fremont, Elkhorn & Missouri Valley company built a line from Deadwood to Lead, standard (and by a third rail, narrow) gauge road. In 1901 and 1902 it constructed an extension of the "Niobrara line" from Verdigris to Niobrara, on the Missouri river, near the mouth of the Niobrara river, into Boyd county, thence following the course of the Ponca creek northwesterly through Boyd county to the South Dakota line, and into Gregory county to Bonesteel.

Missouri Pacific Lines. The roads operated at present under that name in the state of Nebraska were originally constructed by the Missouri Pacific railway company of Nebraska. The line extending from the southern boundary of the state to Papillion was completed July 1, 1882; Sarpy county extension of the Missouri Pacific railway, extending from Papillion Junction to the Sarpy county line, completed December 1, 1886; Omaha Belt railway, from Sarpy county line to Omaha, completed December 1, 1886; Lincoln branch of the Missouri Pacific railway, from Lincoln Junction, near Weeping Water, to Lincoln, completed August 25, 1886; Nebraska Southern railway, Auburn Junction to Nebraska City, completed August 28, 1887; Nebraska City extension of the Missouri Pacific railway, Nebraska City to Weeping Water Junction, completed August 28, 1887; Crete

branch of the Missouri Pacific railway, extending from Talmage to Crete, completed November 1, 1888. The Kansas City Northwestern line only extends practically from Summerfield to Virginia, within the state of Nebraska, and that portion of the Pacific railway in Nebraska between Superior and Prosser is all there is of that railroad in Nebraska.

The Missouri Pacific railway in Nebraska was constructed under the direction of Mr. Jay Gould and Mr. H. M. Hoxie, president and vice president, respectively, of the parent corporation, the Missouri Pacific railway company, the former residing in New York city and the latter at St. Louis, Missouri.

The first officers of the Pacific railway in Nebraska were: A. S. Everest president, Atchison, Kansas; F. P. Bonnell, vice president, Superior, Nebraska; P. S. Williams, secretary, Superior, Nebraska; C. E. Adams, treasurer, Superior, Nebraska. This road was constructed under the direction of Mr. Jay Gould, president, and Mr. S. H. H. Clarke, vice president of the Missouri Pacific railway company.

Rock Island Lines. On July 13, 1892, the Chicago Rock Island & Pacific railway was extended from the Missouri river to Lincoln, a distance of 57 miles; the same year or the next, the line was completed from Lincoln to Belleville, Kansas, to connect with the main line to Denver, about 70 miles in Nebraska; the branch from Fairbury to Nelson is 51 miles, making a total of 178 miles.

The Midland Pacific Railroad Lines. Mr. Thomas J. Ryan, who has been a conductor on the Midland line between Lincoln and Nebraska City continuously since 1873, contributes the following:

It was intended to build the road [Midland Pacific] from Nebraska City to Grand Island, but the original company built it only as far as Seward and graded as far as York, when, in the year 1877, it was bought by the Burlington & Missouri company. The officers of the road in the early seventies were: B. F. Smith, president; J. N. Converse, vice president and general superintendent; J. H. Wheeler, secretary and treasurer; N. B. Kendall, chief engineer; N. K. Fleming, general freight and

ticket agent; M. A. Showers, trainmaster and assistant superintendent; J. P. Taylor, roadmaster. The first engine arrived opposite Nebraska City in December, 1869, and was transferred across the Missouri river on a flat boat. In process of loading, it got away on the incline from the river bank and ran over the boat and plunged into the river beyond, leaving but a few inches above water. It was necessary to construct a pair of shears above the engine to raise it and pull it back on the boat.

In a few days this was done and the engine was safely brought to the west side of the river, a channel for the boat's passage having been cut through the ice. A track was laid from the landing as far as South Table creek, a double line of rope was attached to the engine and a number of citizens of Nebraska City pulled it off of the boat and up the track to a point opposite the place where the starch works now stand. The first flat cars were

hauled across the river, the car trucks being drawn by oxen on the ice and the car bodies, loaded on heavy timber wagons, were drawn by oxen also. Track laying began in January, 1870, and reached Dunbar that year. Grading, however, was continued on the line west of Dunbar; and in January, 1871, track laying was resumed. The road was finished to Lincoln the following April. About the year 1872 the same company began to build what was known as the Brownville, Ft. Kearney & Pacific railroad. This road was graded nearly to Tecumseh, and ten miles of track laid, but this was all taken up except about two miles which extended up the river from Brownville.

In the year 1874 a road was built from this track to Nebraska City, and trains were run to Brownville in March, 1875. The company did a fairly good business for a year or two before it sold the road to the Burlington.

UNION PACIFIC RAILROAD

Statement showing mileage of the Union Pacific railroad within the state of Nebraska and year completed and placed in operation

Year Completed and placed in Operation	FROM	TO	Main Track	Second Track	Third and Fourth Tracks	Total all Main Tracks
MAIN LINE						
1872	Iowa-Nebraska State Line	Junction Switch (Omaha)	1.52			
1866	Junction Switch (Omaha)	Summit	1.35			
1908	Summit	Lane	11.61			
1866	Lane	M. P. 270 (Brady Island)	246.48			
1867	M. P. 270 (Brady Island)	Neb.-Colo. State Line	99.96			
1867	Colo.-Neb. State Line	Neb.-Wyo. State Line	93.56			
1866		Initial Point Spur	3.95			
1887	Iowa-Nebraska State Line	Tenth Street, Omaha		0.65		
1884	Tenth Street, Omaha	Summit		2.22		
1908	Summit	Lane		11.61		
1906	Lane	Valley		11.25		
1907	Valley	Sanberg		15.52		
1908	Sanberg	Benton		33.41		
1900	Benton	Columbus		7.89		
1910	Columbus	Loup River Br.		1.91		
1909	Loup River Bridge	Silver Creek		15.60		
1907	Silver Creek	Lockwood		38.46		
1900	Lockwood	Alda		13.73		
1907	Alda	Buda		29.79		
1900	Buda	Watson's Ranch		10.07		
1910	Watson's Ranch	Lexington		29.85		
1911		Lexington Yards		0.27		
1909	Lexington	Markel		5.81		
1910	Markel	Vroman		23.69		
1909	Vroman	Brady Island		7.24		

Year Completed and placed in Operation	FROM	TO	Main Track	Second Track	Third and Fourth Tracks	Total all Main Tracks
1910	Brady Island	Keith		13.28		
1909	Keith	East End North Platte Bridge		7.40		
1910	West End No. Platte Br.	O'Fallons		18.23		
1911	O'Fallons	Neb.-Colo. State Line		62.59		
1908	Omaha	Summit			4.14	
	TOTAL,		458.43	360.47	4.14	823.04
BRANCHES						
<i>Old Line — Summit to Lane</i>						
1866	Summit	Lane	20.56			
1884	At Summit			1.06		
1886	Summit	M. P. 5.93 (Stock Yards)		1.91		
1890	M. P. 5.93 (Stock Yards)	Gilmore		3.86		
<i>Beatrice and Manhattan Branches</i>						
1877	Valley	Lincoln	58.10			
1884	Lincoln	Beatrice	38.40			
1881	Beatrice	Nebraska Kansas State Line	24.90			
1881		Blue Springs Spur	0.67			
<i>Stromsburg Branch</i>						
1877	Valparaiso	David City	24.48			
1878	David City	West Line Butler County	13.70			
1879	West Line Butler County	Stromsburg	15.12			
1906	Stromsburg	Central City	21.98			
<i>Norfolk Branch</i>						
1879	Columbus	Norfolk	*50.37			
<i>Albion Branch</i>						
1880	Oconee	Albion	34.54			
<i>Cedar Rapids Branch</i>						
1883	Genoa	Fullerton	14.60			
1884	Fullerton	Cedar Rapids	15.95			
1902	Cedar Rapids	Spalding	13.87			
<i>Ord Branch</i>						
1880	Grand Island	St. Paul	22.23			
1882	St. Paul	North Loup	26.63			
1886	North Loup	Ord	11.91			
1882	(Scotia Spur) Scotia Jct.	Scotia	1.37			
<i>Loup City Branch</i>						
1885	St. Paul	Sherman County Line	20.16			
1886	Sherman Co. Line	Loup City	19.24			
<i>Pleasanton Branch</i>						
1887	Boelus	Nantasket	9.53			
1890	Nantasket	Pleasanton	12.53			
1905		Pleasanton Yards	.03			
<i>Kearney Branch</i>						
1890	Kearney	Callaway	65.74			

Year Completed and placed in Operation	FROM	TO	Main Track	Second Track	Third and Fourth Tracks	Total all Main Tracks
1900		Callaway Yards	.05			
	<i>North Platte Branch</i>					
1907	O'Fallons	Lutherville	62.10			
1908	Lutherville	Oshkosh	8.28			
1909	Oshkosh	Northport	44.50			
1911	Northport	Gering	30.64			
	TOTAL,		682.18	6.83		689.01
	TOTAL MAIN LINE AND BRANCHES,		1140.61	367.30	4.14	1512.05

*Includes 0.37 of a mile owned jointly with C., St. P., M. & O. Ry. at Norfolk, Neb.

FINAL INDIAN HOSTILITIES. The reports of the secretaries of the interior, the commissioners of Indian affairs, and Indian agents on one hand, and of the secretaries of war and the military officers stationed on the western plains, on the other, afford a comprehensive and reliable history of the war with the Indians, which continued, with occasional cessation, throughout our state period, until the Indians had become adjusted and adapted to the reservation system. The report of the secretary of the interior for 1874 indulges in rather premature felicitation over the evident success of the policy of inducing or compelling the roaming tribes to settle on reservations. Though the severest fighting occurred afterward, hostilities were almost ended by the campaign of 1876-1877, in which the annihilation of General Custer's command of five companies occurred, on the Little Bighorn river, June 25, 1876. The number killed was 259; wounded, 53. Hostilities finally died out with the year 1879.

The policy of dividing jurisdiction over the Indians between the department of war and the department of the interior was at least unfortunate. The constant clash between these departments caused much scandal and tended to irritate the Indians and encourage their hostility. In his report to General Grant, commander-in-chief, dated January 25, 1867, Major-General John Pope, who was commander of the department of the Missouri, 1866-1867, severely criticised this arrangement. The building of the Pacific and other western railroads meant to the Indians the invasion and

subsequent occupation of their domain, and naturally incited a spirit of fierce hostility and resistance.

General William T. Sherman, writing to the secretary of war, from Fort McPherson, Nebraska, June 17, 1867, doubted the belief of General J. B. Sanborn, one of the six commissioners appointed in February of that year to investigate Indian conditions, that peace could be brought about. He said: "My opinion is that if fifty Indians are allowed to remain between the Arkansas and the Platte we will have to guard every stage station, every train, and all railroad working parties. In other words, fifty hostile Indians will checkmate 3,000 soldiers. Rather get them out as soon as possible, and it makes little difference whether they be coaxed out by Indian commissioners or killed." General Sully, also one of the commissioners, wrote to the commissioner of Indian affairs, June 22, 1867, that a large number of the Indians west of the Missouri river were still hostile. "It is as hard for an ignorant wild Indian as it is for an educated, cultivated white man to remain quietly at home starving to death, having no means of hunting, being obliged to kill his horses to keep himself and children alive, and at the same time not allowed to purchase arms and ammunition to kill small game with, while he is visited daily by Indians from the hostile camp trying to induce him to join them, and sees by their warring with impunity on the whites, they have more horses and mules than they want, and plenty to eat, and procure all the arms and ammunition they want." His

remedy was to provide for the needs of the peaceable Indians and vigorously punish the hostiles.

In the *Omaha Herald* (weekly), September 5, 1873, Dr. George L. Miller, in his best, though characteristically extravagant style, boldly defends the revolt of the Indians. They were "simply defending their country and homes against armed invasion."

This is the standing crime of the red man. He fights for life and liberty against lawless encroachment upon his birthright and fights bravely, as brave and earnest men always fight. But the Indian is not merely brave in war. He is logical and convincing in argument, surpassingly eloquent in oratory, and in his uncorrupted life has a power to perceive the truth, and a courage to tell it, that would put to shame the race that first corrupts, then wrongs, and then crushes and slays him. No man who shall hereafter write the history and doom of the red man need go farther than the names with which our country is made so musical to find that the Indian is also a poet of the highest type, although he can neither write nor steal rhymes, nor discuss feet or measures with the learned and cultured.

That Red Cloud is a far abler man than our present minister to St. Cloud (Élihu B. Washburne), we have not a particle of doubt. That Washakie is the superior, intellectually and morally, of two-thirds of our United States senators, we have as little doubt, and that Spotted Tail has more wisdom and virtue than the president of the United States it would be an insult to Spotted Tail to question. That Little Thunder, whom Harney lied into ambush, was Harney's equal as a warrior, with the utmost respect for the hero of Ash Hollow and Chapultepec, we shall always believe, and that Sitting Bull is an overmatch for Custer, as a stranger to both, we do not hesitate to affirm.

The subsequent annihilation of Custer's command at the battle of the Little Bighorn, through Sitting Bull's strategy, seems to vindicate the last comparison and to invest the others with plausibility, at least. Red Cloud and his band of Ogalalla Sioux were counted as hostile up to 1870. This famous chief is characterized by the commissioner of Indian affairs in his report for that year. "He is an Indian with considerable administrative and executive ability. As a warrior, he is famous

for energy and bravery, and possesses very great influence over his tribe. The circumstances connected with his visit to Washington and the East, and the impression created by his boldness, eloquence, and ability, are too well known to require more than an allusion to that visit at this time." Red Cloud has counselled peace on all occasions since his return; but he was the genius of the war in the northwest, the most tragic incident of which was the destruction of Lieutenant Colonel Fetterman's party of seventy-nine soldiers and two citizens at Fort Phil. Kearny, December 21, 1866. The secretary of the interior, in his report of 1872 (p. 403), estimates that there were 61,000 Indians between the Union Pacific and Central Pacific railroad and the proposed southern route, starting west from Springfield, Missouri; 92,000 between the proposed Northern Pacific and the Union and Central Pacific; and 36,000 between the Northern Pacific and the British boundary. In the same report (p. 597) the superintendent of the Omaha superintendency says that the Brulé and Ogalalla are still making raids on the Pawnee. In the report for 1874 the secretary says that, after great difficulty, the Sioux, with the exception of two bands, have been enrolled in eleven agencies where they receive subsistence.

The Nebraska legislature of 1875 adopted a joint memorial and resolution stoutly demanding the removal of the Red Cloud and Spotted Tail agencies from Nebraska, where they had been located in 1874 without the consent of the state under color of the treaty of 1868. In 1876 there were no hostilities in Nebraska, but there was constant war with the Sioux in Dakota and Wyoming, which included the Custer massacre of June 25th. According to the report of the secretary of war for 1867, the Indians made a systematic attack on the Platte route from both north and south. General Sherman went in person to Fort Sedgwick and remained there from June 6th to the 22d. The redoubtable General Custer was at Fort McPherson in June with six companies of the Seventh cavalry. This post was the center of operations at that time. The upper Republi-

can river was patrolled, and also the country west to the Colorado line. In his report for 1867, General Augur, commander of the department of the Platte, speaks of the excellent service of Major Frank North's four companies of Pawnee scouts. This contradicts Eugene Ware's disparaging estimate of them in his history of the Indian war of 1864. General Sherman said that there was little actual danger of Indians in 1867 but a great deal of apprehension of it. General Augur reported that depredations were begun in October, 1867, extending from Plum creek to Fort Fetterman—400 miles—and he had placed troops at every railroad station between Fort Kearny and Cheyenne. During 1868 scouting parties and expeditions were sent out in various directions from Fort McPherson, their usual object being to recover stock stolen by Indians. During 1869 troops were kept busy protecting the Union Pacific railroad, from Fort Kearny westward, and other lines and settlements in the western part of the state. Red Cloud had quieted the Indians on his return from Washington in 1870. On the 4th of April General Augur dispatched Company C, Second cavalry, from Omaha barracks to the southwestern part of the state where there had been depredations for the last five years.

About fifty Indians appeared May 15th; but at sight of the soldiers they quickly dispersed. There were also unimportant excursions in the northwest part of the state. General Augur reported that not a white man had been killed by Indians in the department of the Platte during 1871, and Fort Kearny and Fort Sedgwick were abandoned that year, "being no longer necessary." A camp of one company of cavalry and one of infantry was established in April on the Loup river, thirty miles northwest of Grand Island, for the protection of settlers; and another, with a like force, on the Republican, directly south of Fort Kearny. The Indians were receding before white pressure. These Nebraska outposts were placed sixty miles farther west than those of the year before. Companies of cavalry were still maintained at Plum Creek and O'Fallon's, on the Union Pacific railroad, for the protection of

the road and "neighboring interests." In 1872 Fort McPherson was the headquarters of the Third regiment, one company of which was at Red Willow camp and two at Sidney barracks. These were the only posts in Nebraska, except Omaha barracks, headquarters of the Ninth regiment. There were no general hostilities in the division of the Missouri this year. Conditions were about the same in 1873. The actual hostilities were in Dakota. They were directly incited by the encroachment of the Northern Pacific railroad. The military force in the department of the Platte—Iowa, Nebraska, Utah, Wyoming—comprised 1,502 cavalry and 2,704 infantry. In the winter of 1874 six companies of cavalry and eight of infantry were sent to suppress threatened troubles at the Red Cloud and Spotted Tail agencies in Nebraska. Otherwise conditions were similar to those of the late preceding years. Scouting parties were detailed to protect surveying parties. Brigadier General Crook, the famous Indian fighter, was commander of the department of the Platte in 1875, succeeding General Ord. Fort Hartsuff was established September 5, 1875, on the north side of the Loup river, in Valley county: the sub-station of Fort McPherson at North Platte was created an independent post, March 6th; and during the year the few buildings left at Fort Kearny were removed to North Platte and Sidney barracks. In May there was an unimportant disturbance at the Winnebago agency which was quieted by a small military detail. Between the 24th of November and the 14th of May eighteen officers of the department were engaged in enrolling victims of the grasshopper invasion of 1874 in Nebraska and Iowa. On the 23d of April, Lieutenant Austin Henley, with forty men of the Sixth cavalry, destroyed nearly all of a party of seventy Cheyenne desperadoes who attempted to make their way across the Platte to the Sioux country. On the 23d of June, 1875, a treaty was negotiated and signed at the Red Cloud and Spotted Tail agencies which relinquished the troublesome privilege, reserved in the treaty of 1868, of hunting in that part of Nebraska north of the Platte river and

on the Republican river. In that year the total reported number of Sioux was 42,778; and they were grouped about sixteen agencies. Sitting Bull's rebel band of 3,000 were still out, and a great campaign against them, begun in the early part of 1876, led to the destruction of General Custer's command, at the battle of the Little Bighorn river, June 25th of that year. A vigorous campaign against Sitting Bull's force, under General Sheridan's general supervision and commanded by General Miles, drove it across the British boundary. On the 24th of October, a detachment of the Fourth cavalry, of the Fort Robinson garrison, captured and disarmed a troublesome band of Indians at the Red Cloud agency, led or incited by Red Cloud himself. In the spring of 1877, Colonel Miles surprised and cut to pieces Lane Deer's band, and killed the chief. Consequently, September 10th, the remnant of the band, 224 in number, surrendered at Camp Sheridan. General Sheridan, reporting the incident, declared: "The Sioux war is now over." Crazy Horse and his band had surrendered in May; but he mutinied in September and was killed in the encounter. The removal of the Red Cloud and Spotted Tail agencies from Nebraska in November, 1877, ended Nebraska Indian troubles; and after Red Cloud and his band were finally settled at the Pine Ridge agency, in 1878, the formidable chief became permanently peaceful. The removal of these agencies was attended by the usual scandals. The Indians suffered intensely on the journey from cold and privations, and the carrier contractors worked off the usual graft in over-charges and delinquencies. General Crook boldly denounced these outrages.

The last serious Indian tragedy in Nebraska resulted from the attempt of a band of Cheyenne Indians to escape from Fort Robinson. They had deserted their reservation in Indian territory in September and fled northward, but were captured in the sandhills about forty miles southeast of Camp Sheridan and confined at Fort Robinson. They were determined to sacrifice their lives rather than return to the insufferable conditions of which they complained at that reservation. Accordingly,

on the night of January 9, 1879, they broke from their confinement, after a desperate fight with the sentinels, and retreated to the hills; but nearly all of the band of sixty men and many of the women and children were killed by the pursuing soldiers. General Crook complained bitterly of the bad management which led to this unnecessary butchery.

Nebraska Commonwealth, September 7, 1867, quotes from the *Nebraska City Press*: Judge John F. Kinney, one of the six special Indian commissioners, had just returned home after six months' absence, visiting all friendly Indians between the Platte and the Yellowstone rivers to separate them from hostiles. The commission conferred with Spotted Tail near Fort Sedgwick, April 1st, and assigned his band a temporary residence south of the Platte; then held a conference at Fort Laramie with 500 friendly Indians who agreed to join Spotted Tail. When Generals Sully and Parker, of the commission, went up the Missouri river, via Omaha, Commissioners Sarnborn, Beauvais, and Buford remained at Laramie, and Judge Kinney went to Fort Phil. Kearny to confer with the Crows. He met 1,800 of them; but the first day Sioux and Cheyenne raided the Crows and drove off 100 horses. The Crows pursued and recaptured all but seven, and killed three Sioux. The Sioux and Cheyenne hung around the fort almost daily, killing small parties of soldiers and citizens. The Crow country lay between the Powder and Yellowstone rivers, and Commissioner Kinney promised that a large military expedition would be sent for their protection. He took a mass of testimony relative to the Phil. Kearny massacre. About fifty Indians attacked a wood train near the fort and Lieutenant Colonel William J. Fetterman and eighty (seventy-nine) soldiers were sent to their rescue. The Indians retreated, leading Fetterman on to a ridge, on either side of which 2,000 Indians were concealed, and they killed all the soldiers. Sixty-five bodies were found and the ground was still stained with blood when Judge Kinney made the investigation.

Nebraska State Journal, November 13, 1869. A party headed by Governor Butler was escorted by fifty men of the state cavalry from Camp Butler, about eighteen miles from Meridian City. In all there were 110 men and twenty teams. They had killed ninety-three buffaloes. The governor was an expert horseman. "Indian attacks are of constant occurrence. Life is in imminent danger at all mo-

ments from the bloodthirsty attacks of the Sioux and Cheyennes, whose bands are hovering around the settlement. . . . The whole country along the route of the Blue River, from Kiowa for twenty-five miles, has quite recently been largely populated and [put] in a state of cultivation; but nothing now remains but desolation. Whole families have been exterminated. The whole country possesses the appearance of the passage of an invading army." (Correspondence of Cornelius R. Schaller, November 1st.)

Ibid., November 3, 1870. Congratulated Secretary J. D. Cox on his resignation and denounced his Indian peace policy as "the acme of childishness, mawkish sentimentality and general silliness." The *Journal* severely condemned the "silly and sickening 'talks' with Red Cloud and his gang of children-murdering and women-raping fiends," at Washington.

Ibid., May 30, 1870. Notes that a military post, established by General Augur in Franklin county, on section 4, township 1, range 16 west, is occupied by two companies of troops — C of the Second cavalry, Captain Spalding, and an infantry company. The post was under command of Captain Pollock. Scouting parties were sent east and west to give assurance to settlers and keep Cheyennes at a respectful distance.

Omaha Weekly Republican, May 17, 1873. Complains that we have been trying the Penn policy for about four years and it won't do. Conflict is irrepressible, because the Indians want hunting grounds and the privilege of remaining nomads, and we are depriving them of both.

Ibid., January 25, 1874. Account of a battle on the 19th, at the fork of the North Loup, Valley county, between a party of thirty or forty Sioux Indians, under Medicine Horse, returning from a raid on the Pawnee, and twelve men with Charlie White or "Buckskin" in command. The fight lasted twenty-five minutes. Marion Littlefield was killed and probably several Indians. The Indians retreated. They had about fifty Pawnee ponies. Buckskin and his party were trapping beaver. Several days before the fight the Indians plundered their camps, but the trappers snatched their guns.

Omaha Herald (weekly), February 20, 1874. Ridicules the statement to the war department that as many as 12,000 Sioux were moving from the Big Horn country on the Platte settlements. Asserts that there was no war or danger of it.

Ibid., February 27. Says the peace commission has failed to secure honest dealing

with the Indians and wants the war department to try it.

Ibid., July 23. Refers to B. F. Wade's report on the treatment of the Winnebagoes.

Ibid., June 5. Insists that General Custer's expedition will get a hot time because he wants the notoriety.

Ibid., September 4. Says Spotted Tail is "the truest red friend of the white man and of peace on these borders that ever lived," and "one of the ablest men in this country, civilized or savage."

Ibid., November 6. Request of all chiefs and head men of the Pawnee that their reservation in Nebraska be sold and a new one selected in Indian territory, is signed by all the chiefs of the tribe and by B. Bush Roberts, member of the board of Indian commissioners, Barclay White, superintendent of Indian affairs, and William Burgess, U. S. Indian agent, says all the tribe approves.

Ibid., June 18, 1875. Insists that the Sioux must go from Nebraska soil and relinquish their hunting grounds. When the present sites of the Spotted Tail and Red Cloud agencies were located the locators thought they were in Dakota where the reservations are. Sioux must give up right to hunt in Nebraska.

NEBRASKA IN THE WAR WITH SPAIN. Nebraska furnished three full regiments and a troop of cavalry for the war with Spain. The First regiment Nebraska infantry was mustered in at Lincoln, Nebraska, the muster being completed May 9, 1898. The regiment was ordered to San Francisco, California, May 16, 1898; arrived there May 20, 1898; went into camp at Bay district, San Francisco; embarked for Manila, Philippine Islands, June 15, 1898, on the steamship "Senator"; dropped anchor in Manila bay July 17, 1898; disembarked and went into camp at Camp "Dewey," south of Manila, July 21, 1898; on outpost duty before Fort Malate, July 30, August 2, 5, 6, and 12, 1898; participated in the attack on Manila August 13, 1898; on guard and patrol duty in Tondo district, in the vicinity of the custom house from August 14 to December 4, 1898; went into camp at Santa Mesa, near Manila, December 5, 1898; on guard and outpost duty until the outbreak of February 4, 1899.

The regiment took part in engagements as follows: In defense of camp, February 4, 1899; capture of block houses, February 6th

and 7th; powder magazine and the Deposito, February 5th; capture of pumping station, near Manila, February 6th; drove insurgents from Mariquina in defense of the pumping station, February 17th; engagements near Mariquina road, north of pumping station, February 22d, 24th, 27th, March 5th and 6th; drove insurgents out of the valley south of the pumping station and across Pasig river, March 7th; changed places with the Colorado regiment, March 15th; in advance on Malolos, March 25th to March 31st; in advance on Calumpit and San Fernando.

The regiment returned to Manila, May 18, 1899, when six companies were detached to the south line of San Pedro Macati and three to Pateros, three companies remaining in barracks; relieved from duty in the department of the Pacific and embarked on the United States transport "A. T. Hancock," June 22d; sailed with the Utah battery for San Francisco, July 1st, via Nagasaki, Japan, thence to Yokohama, Japan, thence to San Francisco, arriving at that port July 29th; disembarked and went into camp at Presidio, July 30th; mustered out and discharged there, August 23d, after service of one year, three months and fourteen days; total enrollment, 1,376; lost, killed in battle, 21; died of wounds, 13; died of disease, 30; total loss, 64.

Following is a roster of field officers of the First regiment:

Colonel — Bratt, John P., appointed May 10, 1898; mustered out November 10, 1898. Stotsenburg, John M., appointed November 10, 1898; killed in action, April 23, 1899. Mulford, Harry B., appointed April 26, 1899; mustered out August 23, 1899.

Lieutenant-Colonel — Colton, George R., appointed May 10, 1898; mustered out June 16, 1899. Eager, Frank D., appointed June 22, 1899; mustered out August 23, 1899.

Major — Stotsenburg, John M., appointed May 10, 1898; killed in action April 23, 1899. Mulford, Harry B., appointed May 10, 1898; mustered out August 23, 1899. Williams, Fred A., appointed November 10, 1898; mustered out August 23, 1899. Eager, Frank D., appointed April 9, 1899; mustered out August

23, 1899; Taylor, Wallace C., appointed April 26, 1899; mustered out August 23, 1899. Kilian, Julius N., appointed June 22, 1899; mustered out August 23, 1899.

The Second infantry regiment of the Nebraska National Guard — the state militia — entered the service of the United States, April 27, 1898, mobilizing at Lincoln, Nebraska; after completion of muster was ordered to Chickamauga Park, Georgia, leaving Lincoln, Thursday afternoon, May 19th, and arriving at their destination May 22d; left Chickamauga Park, Camp George H. Thomas, August 31st, arriving at Fort Omaha, September 3d, at 8 A.M., where it was mustered out October 24, 1898. This regiment had enrolled 46 officers and 1,366 enlisted men. It lost in deaths from disease, 26; by accident, 1; total, 27. Following is a roster of field officers of the Second regiment:

Colonel — Bills, Charles J., appointed May 10, 1898; mustered out October 24, 1898.

Lieutenant-Colonel — Olson, Emil, appointed May 10, 1898; mustered out October 24, 1898.

Major — Mapes, William S., appointed May 10, 1898; mustered out October 24, 1898. Tracy, Ernest H., appointed May 10, 1898; mustered out October 24, 1898.

The Third regiment Nebraska infantry, was organized at Omaha, Nebraska; muster completed July 13, 1898; moved by rail to Jacksonville, Florida, July 18th; arrived four days later and went into camp at Panama Park, Camp Cuba Libre, becoming part of the First brigade, Third division, Seventh army corps; September 9th, moved by rail to camp at Pablo Beach, Florida; broke camp October 2d, owing to flooding by the ocean during a severe wind storm; two days later proceeded by rail to Jacksonville, Florida, into camp at Fairfield as part of the First brigade, First division, Seventh army corps; October 24th, moved to Camp Onward, Savannah, Georgia, the new location of the corps; thence to Havana, Cuba, the First battalion embarking on the United States transport "Obdam," December 30th, Second and Third battalions on the United States transport "Michigan," De-



H. J. Bryan



Mary Baird Bryan.

ember 31st, arriving at Havana on the first and second of January, 1899, respectively; encamped with the Seventh army corps at Camp Columbia, Havana, Cuba, until April 7th, then embarked on the United States transport "Logan"; in quarantine at Daufuskie Island, South Carolina, April 13th; April 18th embarked for Savannah, Georgia, thence April 19th, 1899, to Augusta, Georgia, for muster out at Camp Mackenzie. This regiment had enrolled during the period of service 61 officers and 1,358 enlisted men, and lost 32 in deaths from disease.

Following is a roster of field officers of the Third regiment:

Colonel — Bryan, William J., appointed July 13, 1898; mustered out, December 12, 1898. Vifquain, Victor, appointed December 12, 1898; mustered out May 11, 1899.

Lieutenant-Colonel — Vifquain, Victor, appointed July 8, 1898. McClay, John H., appointed December 12, 1898; mustered out May 11, 1899.

Major — McClay, John H., appointed July 7, 1898. Scharmann, Conrad F., appointed July 9, 1898; mustered out May 11, 1899. Dungan, Harry S., appointed December 12, 1898; mustered out May 11, 1899.

Troop A, cavalry, Nebraska National Guard, located at Milford, was enrolled for service in the war with Spain May 7, 1898; May 12th moved to Lincoln, Nebraska, and mustered into the United States volunteer service May 14th, as Troop K, Third United States volunteer cavalry; May 20th, moved to Chickamauga Park, Georgia, arriving there May 23d; mustered out at Chickamauga Park, Georgia, September 8, 1898. This troop had enrolled 3 officers and 77 enlisted men and lost two in deaths from disease.

Following is a roster of officers of Troop K, Third regiment:

Captain — Culver, Jacob H., mustered in May 14, 1898; mustered out September 8, 1898.

First Lieutenant — Kinney, William S., mustered in May 14, 1898; mustered out September 8, 1898.

Second Lieutenant — Culver, Elvin E., mustered in May 14, 1898; mustered out September 8, 1898.

The First regiment won renown for splendid service in the Philippine Islands, and grateful citizens of Nebraska, individually, and by municipal, business, and other associations, 159 subscriptions in all, advanced the sum of \$40,342.75 to pay the expense of transporting its members to their homes in the state. David E. Thompson, of Lincoln, subscribed \$20,000 and William J. Bryan, of Lincoln, \$1,250. The legislature of 1901 made an appropriation for refunding to the subscribers \$36,315.45, the amount expended. Regiments of other states which served in the Philippines were treated in a like generous manner. The legislature also appropriated the sum of \$11,000 for the purpose of paying \$37.50 to each of the members of the regiment who had been mustered out of service on account of disability and had come home before the regiment was mustered out. The legislature of 1899 appropriated \$2,000 to be expended by the governor "for the relief, aid and comfort of the sick and wounded soldiers now members of the First and Third regiments in the Philippine Islands and in the Island of Cuba." The Second and Third regiments suffered unduly from disease, caused by bad sanitary conditions, which seem to be incident to lack of experience and discipline on the part of both officers and men in the volunteer service in the early period of our wars. These regiments were disappointed because they had no chance to fight; but if opportunity had occurred they would have proved themselves as valorous and efficient as their envied contemporaries of the First regiment. All of these regiments were of superior quality, and the considerable number of men who had been in the State University battalion measurably improved their discipline and morale. Colonel John M. Stotsenburg was the heroic, and most considerable figure among the soldiers of Nebraska in the war with Spain. He was killed in action at Quingua, Luzon, April 23, 1899, and was honored with burial in the national cemetery at Arlington Heights. Colonel Stotsenburg was professor of military science and tactics in the University of Nebraska when the war began, and many of the cadets joined his regiment.

CHAPTER XXXIV

GREATER OMAHA — CHRISTIAN SCIENCE IN NEBRASKA — AK-SAR-BEN OF OMAHA — DEVELOPMENT OF THE POTASH INDUSTRY

GREATER OMAHA. A history of Nebraska would not be complete without the recent enactments, and ordinances which have resulted in the consolidation of various suburbs of the city of Omaha—the whole being popularly called Greater Omaha.

Omaha proper comprised an area of 24.50 square miles, which, generally speaking, included about six miles north and south, bounded on the east by the Missouri river, and extending west about four miles. The organization of the South Omaha Land Company, and the incorporation of the Union Stock Yards Company, in the early '80's, located at what, down to this time of annexation, was known as South Omaha, now called South Side. Necessity meant the founding of a city which was destined to grow as the enterprise which gave it birth expanded.

The village of Dundee, adjoining Omaha on the west, was incorporated in 1894. It was, from the first, a residential suburb. Situated on slightly hills commanding a view as far as the Little Papio, it attracted many of Omaha's citizens, who in the years of its existence, have erected many elegant homes. Orna-

mental shade trees, shrubbery of various kinds, paved streets, electric lights, and sewers have made Dundee an ideal city of homes. Its population at the time of annexation January 20, 1915, was 2,500.

Benson, adjoining Omaha on the northwest, was incorporated as a village December 4, 1897. It occupies some of the highest land in Douglas county, and is situated on the old Military Road. Adjoining it is the Omaha Country Club with its splendid golf links. Its population at the time of annexation, May 25, 1917, was 5,000.

Florence, annexed May 25, 1917, has a population of 2,500. It lies seven miles due north of the original Omaha. From one viewpoint, it antedates any other city in Nebraska, as it, with Fort Calhoun, was "Winter Quarters" in the great Mormon migration in 1844. Its early history has been recounted at length elsewhere in this work.

The total of the territory thus annexed, together with the statement of the bonded debt of Omaha proper, and its constituent suburbs, their population and several areas as of January 1, 1918, is here presented:

	Annexed	Sq. Mi.	Est. Pop.	Bond Debt	Water Dist. Bond Debt	School Dist. Bond Debt
Omaha Proper.....		24.50	174,500	7,925,250	7,000,000	2,492,000
South Omaha.....	6/20/15	6.40	40,000	1,011,188		220,000
Dundee	6/20/15	0.70	2,500	195,000		83,000
Clontarf Precinct.....	4/25/17	.04				
Elmwood Park and Vicinity	4/25/17	1.04				
Strip — Benson limits to Spaulding			500			
Strip — Between 48th and 52d Streets.....	4/25/17	.77				
Levi Carter Park and Vicinity	3/31/17	.69				
Benson	5/25/17	1.40	5,000	74,500	53,000	110,000
Florence	5/25/17	2.24	2,500	86,000		16,000
Totals for Greater Omaha.....		37.78	225,000	9,291,938	7,053,000	2,921,000

The city of Omaha adopted the commission form of government in the spring of 1912. Its affairs down to that time had been administered by councilmen, two chosen from each ward, and a mayor. They are now entrusted to seven commissioners selected by the people, each commissioner having charge of a separate department. These departments are: Public affairs; accounts and finance; police, sanitation, and public safety; fire protection and water supply; street cleaning and maintenance; parks and public property; and public improvements. The commissioners meet regularly every Tuesday morning for the transaction of public business, and special meetings are called when necessary by the mayor, who is *ex officio* president of the city council. The mayor is elected by and from the commissioners.

Inseparably related to the growth of Omaha, is its system of parks and boulevards, inaugurated and developed principally within the past two years. With twenty-one parks, large and small, and thirty-five miles of boulevard, unifying them into a connected and constituent whole, this feature of her civic growth and development is one which, for natural beauty, accessibility for enjoyment, and possibilities for development, is the envy of all the cities of the middle west.

Nature and art have combined to bring about this result: for, strange to say, the total amount expended upon this system has been less than \$2,394,000. The generosity of wealthy citizens accounts in part for this remarkable fact. The actual value of this property exceeds many times its original cost. Hill and dale, woodland and prairie, river, lakes, and springs, all have lent themselves to the creation and beautification of a park and boulevard system which can be said to be almost ideal.

Levi Carter park is, in area, the largest in the city, comprising 303 acres. Its distinctive feature, perhaps, is Carter lake of two hundred acres, affording splendid boating, swimming and fishing facilities.

West of Sixtieth street lies Elmwood park, containing 208 acres. Nature has lavished

upon this spot her gifts: landscape, level ground, and natural forests, with deliciously cold springs of clear water, making it an ideal recreation resort. Magnificent evergreens and white birches stand guard along its principal drives. Part of this tract was donated to the city of Omaha and part was purchased at a cost of \$135,000.

The largest natural park is "Riverview," containing 111 acres. It lies in the southern portion of original Omaha, and rises in tiers of plain and woodland, like a majestic amphitheater, from the west bank of the Missouri. From the far spreading prairies and picturesque bluffs stretched along its Iowa side, it affords a magnificent prospect. All that was necessary to obtain a perfect park was to erect a fence around this 111 acres. A large swimming pool and bath house, and a "zoo" are among its acquired attractions.

Fontenelle park lies in the northwestern part of the city and contains 107 acres. Only recently has this park been improved. A four-acre lagoon furnishes splendid bathing facilities.

Miller park, the "Pride of North Omaha," is named after Doctor George L. Miller, a pioneer of the late '50's and one of the few fathers of Omaha still living. It contains seventy-eight acres, was formerly a cornfield, and exemplifies most strikingly the transformation which time and money and the art of the landscape gardener can accomplish. Through it, concrete paved driveways have been built. A large lagoon with a wooded island has been made, and birch, evergreen, and other trees, planted years ago, beautify the gently undulating ground. Its golf course and play grounds are well patronized. The Florence boulevard, containing "Omaha's prettiest mile," unifies it with the park system.

Hanscom park, the oldest in the city, contains fifty-seven acres. When donated to the city by A. J. Hanscom and S. A. Megeath, it was on the very verge of the city of which it is now the heart. Its natural beauty has discountenanced rather than invited artificial adornment. It has been called by experts one of the most beautiful parks in the United

States. In the greenhouses of the park, more than 350,000 plants are propagated and raised yearly. These are used in ornamental flower beds planted in the various parks, hospitals, public schools, and fire stations of the city.

Scattered throughout the city are numerous smaller parks, and breathing centers, some located in South Omaha, and most of them the gifts of public spirited citizens who have been enriched by the marvelous growth of the city. Among these, many of them sylvan retreats, sequestered from the composite noises of the city's life, yet at once accessible, are the following parks: Bemis, 10 acres; Deer, 19 acres; Kountze, 11 acres; Curtis Turner, 8 acres; Harold Gifford, 2 acres; Mercer, 4 acres; Jefferson square, 2 acres; Hixenbaugh; Burt playground; Bluff View; Spring Lake, 11 acres; Highland, 6 acres; McKinley, 5 acres; Clear View, and Morton.

In April, 1915, the city council organized a board of public recreation. It works in conjunction with the board of education, and the superintendent of parks to supervise children's play, and to promote various forms of recreation and enjoyment among the people of the city. The installation of playgrounds in the parks and schools relates, of course, to the recreational activities of children. The attendance on these in the 1916 season totaled 262,878. An annual appropriation of \$18,000 is made for their support. The other phase of the board's activities interests the general public. Under it, various recreations and sports have been provided. Among these are the establishment of free bathing beaches and pools. In the summer of 1916, 292,815 persons availed themselves of these privileges. No charge whatever is made for them. Among the sports, facilities for which are provided, are: baseball, football, soccer, cricket, golf, and tennis.

Still another phase of its work has been the establishment of "community centers," the general object of which is the bringing together of the children and citizens of these communal organizations, and providing among them, athletics, community music, drama, lectures, concerts, moving picture exhibitions,

social entertainments with literary programs added, and discussions of municipal questions. Once a year or oftener, the different communities meet in the municipal auditorium in friendly contest, vying with each other in some prominent feature of the year's activities. The attendance at the centers in 1917 was 34,000. Community gardens have been established in some centers to assist the poor in their vicinities.

Over \$1,000,000 is spent annually upon its public schools and it shares with its sister, Lincoln, our capital city, the pride which naturally attaches to the development of an educational system, which has attracted to these cities, parents and students eager to avail themselves of the advantages thus freely offered. With respect to what may be called Omaha's material growth, and its development along certain lines in recent years much could be added.

Its bank clearings for the year ending December 31, 1917, were \$1,873,353,171. If this is a fair index of the amount of its annual business, Omaha ranks as the fourteenth city in the United States. It ranks thirty-third in population. It is the first city in the United States in butter production. The second as a live stock market; and therefore, the second in the world. It is the fourth primary grain market in the United States. It is the first lead reducing center in the world. Gold and silver valued at \$39,000,000 are reduced annually. It is the first feeder-sheep-market in the world, and the first range horse market in the world. In live stock receipts, it handled 7,565,830 head. The value of its packed meats, during the time mentioned, was \$191,718,000. Its grain receipts were 66,462,100 bushels. Its smelter output amounted to \$59,247,165. Its total factory output for the year ending December 31, 1917, was \$327,721,546. The volume of its wholesale business was \$236,137,067. Its new buildings represent an investment of \$7,737,047.

The oldest of the sons of Omaha are about sixty years of age. During their span of life, the city has grown until now, in point of population, it ranks thirty-third among the cities

of the Union. Its growth in the very recent years, and now, has attracted the attention of all who keep informed as to the great cities of the land. The constant growth of its industries and manufactories, the ramifications of its railway systems, the work and supplies they furnish the northern and western country, the magnificent office and hotel buildings which have been erected and the private and almost palatial residences to be seen attest the stability of the city. All this is the more significant because Omaha nestles like a jewel in the bosom of the Missouri valley. Everything says the city is destined to pass on to a career of prosperity and success even greater than has been enjoyed during the years which have gone.

CHRISTIAN SCIENCE IN NEBRASKA. Fifty years ago a history of the state of Nebraska would have contained no record of Christian Science either as a religious movement or as a method of healing, for at that time even in Massachusetts, where it was first brought to the attention of the few who would listen, those actually interested in the movement numbered scarcely a score. When, in 1875, *Science and Health with Key to the Scriptures*, by Mary Baker Eddy, was published as the text book of Christian Science, conventional Massachusetts had no welcome for the book or its author.

Two decades later, when the Mother Church in Boston had been dedicated and the disciples of Mrs. Eddy's teaching were flocking to the city from all parts of the globe, to attend a church meeting, held at that time annually for non-resident and local members, the Bay State awakened to the fact that it had, firmly founded in its capital, a Christian denomination that had come to stay and Boston extended a cordial welcome to its visitors and a recognition of the sturdy worth of the local followers. We have witness of this in the attitude of the press of that date, numerous clippings from which are to be found in Mrs. Eddy's book, *Pulpit and Press*. Previous to this event New England had acknowledged Mrs. Eddy one of its leading and honored citizens.

The history of Christian Science in Nebraska properly begins in 1885, when a student of Mrs. Eddy, after having been healed through Christian Science treatment returned from her studies in the Massachusetts Metaphysical College in Boston and began to practice in Omaha. She taught her first class in 1887. She was the first Christian Science practitioner west of the Missouri river. Prior to this time other teachers of Christian Science had made visits to different parts of the state giving talks upon the subject but there seems to have been no lasting results from these attempts to introduce Christian Science in Nebraska.

The first church building to be erected in Nebraska by Christian Scientists is at Weeping Water, gratitude for the healing influence of Christian Science being expressed in the giving of the ground for the erection of this church resulted in a building seating 200 and costing \$1,600. This church was organized July 13, 1891, and the building was dedicated the last Sunday in September, 1892. In 1885 the first class in Christian Science in this state was taught at Beatrice by a student of Mrs. Eddy. About this time another student began to teach and practice Christian Science in Lincoln. As the result of the healing of two people the first Christian Science church in Nebraska was organized at Beatrice in 1888. First Church of Christ Scientist of Beatrice dedicated the \$4,000 church building May 27, 1901, a few months after its completion, and only after all bills for its construction had been paid.

The first Christian Science services in Omaha were held in the Unitarian chapel on Sunday afternoons. These meetings not receiving the support of the public as it was hoped were discontinued after some months, and for a season the Christian Scientists of Omaha were quite generally attending the services in Council Bluffs at the home of one of Mrs. Eddy's students. In December, 1890, the first move was made toward securing a downtown location in which to hold services and to be used as a reading room or dispensary as it was then called, and practitioner's

office to be open daily to the public. A committee appointed for the purpose of carrying out this plan decided upon rooms in the Bee building. This was virtually the first office opened in the business center of the city for the healing of disease through Christian Science. For a very short time nearly all the students in Omaha attended these services, then some withdrew, later holding meetings in the Karbach block and afterwards in the New York Life building.

A number of students, believing that the time was ripe for church organization, held a meeting May 11, 1893, in the Patterson block for the purpose of organizing a church which was to be a branch of the mother church, the First Church of Christ Scientist, Boston. As the result of this meeting, on the 18th day of the same month they adopted articles of incorporation, with twenty-eight charter members, and became known as First Church of Christ Scientist, Omaha. At the same time a reading room was opened in connection with the church, for the benefit of the public. Those not yet seeing the need of organization continued to hold meetings as heretofore. The Sunday school was formed January 20, 1894, with seven classes for adults and one for children. There were eight children in this class, ranging in age from four to thirteen years, representing three families.

In those days the services in the Christian Science churches were generally in charge of one person recognized as pastor. This church called a pastor in December, 1893, and preaching continued until April, 1895, when the order of services was changed and the Bible and *Science and Health with Key to the Scriptures* were established as the only preachers of the Word in the Christian Science churches throughout the world. Midweek meetings for the general discussion of the Bible and *Science and Health* were soon replaced by the inauguration of testimonial meetings, at first held Friday evening and later changed to Wednesday evening as is the present custom in all Christian Science churches. Services were continued in the Patterson block until early in December, 1895, when the old Congre-

gational church building on St. Marys avenue and Twenty-seventh street was engaged. The reading room was moved at the same time, a side room in the church being fitted up for that purpose. Later, deeming it advisable to have the reading room more centrally located, it was moved to the Paxton block where it remained until 1902 when it was transferred to the Bee building and later to the Brandeis building where it remained until January, 1917.

At the time of the organization of the children's society in Boston, known as the Busy Bees, whose contributions helped to furnish the mother church and keep it supplied with flowers, the Sunday school children of this church were identified with this movement until a notice from Mrs. Eddy recommended that they disband as a society, drop the name of Busy Bees, and turn their energies to broader achievements. The children then voted to start a church building fund.

After the First Church moved to the old Congregational church building on St. Marys avenue, students from the New York Life building gradually came to the church, sometimes one or two at a time, until the number there was so depleted that services were discontinued. In December, 1898, the society in the Bee building, seventy-six in number, considering an invitation from the church, voted unanimously to disband and join the organization. The January communion service of 1899 saw all these united with the church under one roof, with one aim and object, to further the cause of Christian Science in Omaha. With this unity came a strengthening of forces. It was voted that the sum of money (\$106.50) turned over to the church treasurer by the society from the Bee building, be added to the nucleus already accumulated by the children, and thus form a general building fund. This fund was steadily increasing and in 1903 a lot was purchased at St. Marys avenue and Twenty-fourth street upon which to erect a church building.

Early in 1904 came a demand for larger quarters and not being ready to proceed with the building, another change was made to

Chambers Academy at Farnam and Twenty-fifth street this being the only available place. The church remained here until the building was ready for occupancy.

At that time it looked as though the question of building might be considered at an early date, but as the extension to the mother church in Boston was in process of erection, and it was of vital interest to Christian Scientists all over the world, it was voted at a church meeting on July 3, 1905, to send the sum on hand to help with that work, to continue contributing, and that nothing be done toward local building until such time as the treasurer of the mother church should indicate to the field at large that no more funds were needed. When this word came this church had contributed \$10,945.34. Then the members cheerfully set to work to start another building, knowing as they did that the supply is unlimited and every need met by a gracious and loving Father, that parting with all they had only meant an increase. July 5, 1907, with only a few thousand dollars on hand, the church requested the building committee to proceed with its work and by October 6, 1909, the foundation was ready for the corner-stone which was laid at 7 A.M. on that date.

The cost of the church building, including the ground, was about \$106,000. On Sunday morning, September 3, 1911, services were held for the first time in the new church with this sum paid, except about \$37,000, which debt was entirely cancelled during January, 1914. This structure was dedicated February 1, 1914, according to the general custom among Christian Scientists — absolutely free from debt.

During the winter of 1914-1915 the First church became so crowded that it was decided to organize another. The Second church was organized as an outgrowth of First and held its initial service on Easter Sunday, 1915, in Dundee hall, Fiftieth and Underwood avenue; the hall, seating about 250, was well filled. At the present writing the Second church is holding meetings in Dundee theater. A lot has been purchased and excavating started for the

building of a church at Forty-first and Davenport streets.

About a year after the Second church was formed it was deemed advisable again to send out members from the First church to organize another. The Third church was organized in the north part of the city and on the first Sunday in June, 1916, the first service was held in Druid hall on Ames avenue near Twenty-fourth street. A little later reading rooms were opened on the corner of Ames avenue at Twenty-fourth street under the auspices of the Third church for the accommodation of people living in that part of Omaha. The Third church has selected, at Fowler avenue and Twenty-fourth street, the site for a church building and has made substantial payments upon it.

The First National Bank building being finished and ready for occupancy in January of 1917, the Christian Science churches of Omaha decided that the reading room should be situated there. New furnishings were purchased and reading rooms in keeping with the growth and advancement of Christian Science in Omaha were established there as soon as the building was ready.

Shortly after the year 1885 a student of Mrs. Eddy located in Lincoln and began to teach and practice Christian Science. Another of her students from Milwaukee taught a few classes in Lincoln about this time. The first Christian Science services in Lincoln were held at 1210 Q street in 1886. In 1888 the Christian Science society opened a reading room and held services in the hall over King's grocery store. First Church of Christ Scientist was organized in 1891 and continued to hold services in this hall until 1895 when quarters were obtained in the Salisbury block on Twenty-first and M streets where they remained for some time.

About this time another society was formed, holding services in the Farmers and Merchants building and remained as a society until in October, 1900, it was reorganized as the Second Church of Christ Scientist, Lincoln. In 1897 the First church decided to purchase the old Christian church on Fourteenth and K

streets. They arranged to buy it and remained here a year or so when they found they would be unable to meet the payments upon it so gave it up and held services in the Funk theatre for about a year, when they moved to the Jewish temple on Twelfth and D streets. On October 10, 1902, both the First and Second churches surrendered their charters and disbanded for the purpose of uniting in the organization of the present First Church of Christ Scientist, Lincoln.

Shortly after the organization of the new church it was seen that more commodious quarters would be needed, and the building of a church was considered, \$700 having already been paid into the church as the nucleus for a building fund. The present site on the corner of Twelfth and L streets was bought for \$7,000 and in a very short time the church owned its building lots. Work was then started on a fund to build a church, but shortly after this the building of the extension of the mother church in Boston was undertaken and the work of raising money for the local church was suspended in order that aid might be more freely given to the mother church. Plans were adopted for the erection of a building and on February 21, 1907, a contract was let for the construction of the Sunday school room and basement. On Thanksgiving day of that year the first services were held in this part of the building. On July 6, 1911, the church ratified the action of the building committee in letting the contract for the completion of the building. The corner-stone was laid on October 6, 1911. The first services were held in the completed building on Sunday morning September 1, 1912. The church building was formally dedicated free from debt in October, 1917, having cost about \$100,000 including site and furnishings.

According to the *Christian Science Journal* for February, 1918, there are churches or societies also in the following Nebraska cities and towns: Alliance, Bancroft, Bloomfield, Broken Bow, Central City, Chadron, Cozad, Crawford, Exeter, Fairbury, Firth, Fremont, Grand Island, Holdrege, Kearney, McCook, Minden, Nebraska City, Neligh, Norfolk,

North Platte, Plattsmouth, Red Cloud, Scotts Bluff, and York. Besides these regularly organized and advertised churches and societies, meetings are being held regularly in many other places in the state where they have not yet perfected an organization.

Christian Science was discovered in 1866 by Mary Baker Eddy; the details of this discovery and the circumstances leading up to it are set forth in Mrs. Eddy's own writings and in her personal history by Sibyl Wilbur. In 1875 Mrs. Eddy presented her text book on Christian Science, *Science and Health with Key to the Scriptures*. She introduced the *Journal* in 1883, this publication being the official organ of the mother church, the First Church of Christ Scientist, Boston. Later a weekly paper called the *Christian Science Sentinel* was published, followed by *Der Herald der Christian Science*, a monthly magazine published in the German language. On January 1, 1918, *Le Heraut de Christian Science*, a monthly magazine in the French language with the English text on the opposite page, was established. Beside these periodicals a great international daily newspaper, the *Christian Science Monitor*, has been published since the year 1908 with a worldwide circulation and recognized by publishers as a model of clean journalism.

A board of lectureship was inaugurated in 1898 by Mrs. Eddy, and the members of this board are giving free lectures upon the subject of Christian Science to an interested public under the auspices of local Christian Science churches. Omaha has been honored by having two of her citizens appointed to this board and one of them is today lecturing wherever he is called upon to do so. He has recently returned from an extensive lecture tour abroad, including England, Australia, China, and South Africa.

A committee on publication with assistants in all the cities and a number of the smaller towns is supported, in Nebraska as in all the states of the Union and a large number of foreign countries, by per capita contributions from the organized churches and societies. It is the duty of this committee "to correct in a Christian manner, impositions on the public

in regard to Christian Science, injustices done Mrs. Eddy or members of this church by the daily press, by periodicals or circulated literature of any sort." (*Church Manual*.)

When this great war of Prussian militarism thrust itself upon the world, the mother church established a fund for the relief of sufferers in the theater of war and several hundred thousand dollars have been collected by the Christian Scientists, all of which has gone to the relief of the destitute in Europe, regardless of their creed or nationality. Many expressions of gratitude from those receiving this monetary benefit are being received daily, in Boston, and some of these are being published in the current numbers of the *Sentinel*. Collections taken in the different Christian Science churches and societies in Nebraska for the benefit of this fund are being forwarded to headquarters in Boston continually and these moneys are freely distributed to those found in need.

All the churches and many of the societies in Nebraska maintain free reading rooms where all Christian Science literature may be read or purchased. Free lending libraries have been established in some of these reading rooms and all may avail themselves of this opportunity to read Mrs. Eddy's books.

The history of Christian Science in Nebraska as elsewhere is largely found in the work done by individuals in healing all manner of diseases and destroying all sorts of sinful habits. Students of Christian Science are encouraged to study the Bible thoroughly and *Science and Health* and it is the exact or scientific knowledge of God gained through this study which enables them to work out their life problems, to heal sickness and sin. Until sufficient knowledge is gained the beginner may go to a professional practitioner for healing and spiritual guidance.

One of the landmarks in Christian Science history in Nebraska is known as the "Buswell Trial" and this is the title of a pamphlet which has done a great deal of good for the Christian Science cause everywhere. The title of the case is "State of Nebraska vs. Ezra M. Buswell," and the trial was held in the district

court of Gage county, February 28, 1893. Abundance of evidence was adduced to prove that the practice of Christian Science by the accused had been successful in a large number of cases, and only two failures were found. The practice of Christian Science was shown to be based on the Bible, and its method was proved to be silent and solemn prayer to God, and sole reliance on Him for health as well as salvation. Mr. Buswell was acquitted, but the case was carried to the supreme court of Nebraska on exceptions by the county attorney. And while no judgment could be rendered against the acquitted defendant, the exceptions of the county attorney were sustained. As this was the first case ever decided against a Christian Scientist in a court of last resort, for the practice of praying for the recovery of the sick, it would certainly have been followed as a precedent by the courts of other states if the law had been correctly stated. But this opinion of the Nebraska commissioner stands alone, and the courts of other states have decided that statutes regulating the practice of medicine do not make prayer for the recovery of the sick a criminal offense, and the decision, even in Nebraska, has been a dead letter for many years; as the liberal views of the Nebraska people are opposed to prosecution for prayer.

Several other cases against Christian Scientists were brought in Nebraska, at Omaha, Lincoln, and Pawnee City, all of which ended well for the Christian Scientists, and none of them ever came to trial in the district court. A lady in Omaha was charged with insanity for treating a man who had been thrown from a buggy, striking his head against a log. A physician pronounced the accident fatal, and promptly brought proceedings in insanity against the practitioner. The injured man, appearing sound and whole as a witness for the defendant, the board discharged the lady thus establishing the proposition that healing accidental injuries by prayer is not insanity.

In the few years since the first Christian Scientist came to Nebraska the movement has gained favor until now it is generally recognized, by the people of Nebraska, as a mem-

ber of the family of religions and Christian Scientists as a working and growing body of Christians.

Under the heading "Christian Science in the Navy," the *New York World* on Tuesday, February 5, 1918, printed the following as an editorial:

The appointment by Secretary Daniels of a Christian Scientist as a navy chaplain denotes a significant change in the public attitude toward the faith founded by Mrs. Eddy.

Could such a selection of a spiritual adviser been conceived of in Dewey's navy? Christian Science then and long after was anathema to the regular religious denominations of the country. Legislation was invoked to restrain it, medical societies prosecuted the practitioners, and it was made to bear the brunt of powerful opposition everywhere. Now the government gives it full recognition and accords its readers an equal status with the ministers of other creeds. Beside the navy chaplain, there are two Christian Science chaplains in the army.

So have the old antagonisms subsided and the earlier intolerance given way under the spirit of religious freedom. History has repeated itself once more, and the new kirk fought its way to a place alongside the old kirk. It has been an interesting process, and the outcome is notable as an illustration of the liberalizing tendencies of modern opinion, whether religious or political.

AK-SAR-BEN OF OMAHA. Famed the country over for its novelty, its interest, and the work it accomplishes, this order, if such it may be called, is mystical in its workings, and yet clear in purpose.

"Ak-sar-ben" is Nebraska, spelled backwards, and was founded in 1895 by a small number of business men of Omaha, for the purpose of welding the diverse interests of the city into one great organization for the advancement of Omaha, and for the special purpose of cultivating harmonious relationship and friendship for both those within and without the gates of the city. Its object has been more than realized, and each year has witnessed a closer coöperation between the people of the city and those in the territory tributary to it.

The direction of the organization is vested in a board of twelve governors, elected by the

members, and serving gratuitously for a period of four years. The expense of the organization is borne through a membership charge and through direct contributions by all the business houses of the city. The season's expenditures are approximately \$100,000.

From June until September, regular "Monday Nights" are held at the "Den," a large auditorium of peculiar construction, owned by the organization. These initiations are spectacular and of a theatrical nature, each year presenting a special theme around which the work revolves. The participants in the Monday entertainments, usually consisting of from one to two hundred in number, are chosen from the ranks of the membership and donate their services as a part of the loyal support that is everywhere shown within the order. The Monday night performances are attended by the regular paid members and by visitors to the city. Every convention held in the city is so arranged that its opening date is fixed for Monday. The accredited hotels, also contributing members of the organization, are allowed to issue non-resident tickets to their guests, whilst special excursions are run every Monday night from some of the tributary cities within a radius of two hundred miles of Omaha. The attendance at these meetings ranges from two to three thousand people. A dozen or so of the visitors usually run the gauntlet of the initiatory work and form fitting food and fun for those in attendance. At the close of the meeting, representative speakers from the visitors are called upon to make a little "talk," whilst some able orator from the ranks of the Knights themselves makes a fitting reply, after which a buffet luncheon is served, and at the conclusion the visitors are furnished special street cars to carry them to the heart of the city.

The season's gayety at the "Den" is concluded with "Carnival Week," during which two daylight parades are given, consisting of specially decorated floats, whilst a gorgeous electrical night parade follows thereafter, formed of some twenty or more spectacularly designed and lighted floats with out-riders exemplifying the theme and subject of the year.

Omaha was the first city in the United States to utilize electricity in the illumination of floats.

The festivities of the season culminate with a grand ball, held at the "Den." This is looked forward to as the society event of the season. Two hundred Knights in gay armor lead the openning march, heralding the approach and entry of the queen and her retinue of attendants. The queen is usually chosen from the debutantes of the season, her identity being strictly withheld from everyone up to the moment she enters upon her march to the throne, where she is joined by the king, chosen anew each year from some of the prominent men of the city. The Ak-Sar-Ben ball is always looked forward to as the great event of the year, and with its coronation features and grand setting, is very beautiful.

What characterizes the work of Ak-Sar-Ben more than anything else is the loyalty and enthusiasm accorded it by the entire city of Omaha, and the tribute paid it by adjacent cities. It not only has created a spirit of friendship and good-will amongst its own membership, but it has showered its benign influence upon the people throughout our state, who have in turn copied its precepts and teachings, and they have inculcated the same spirit of cohesion and friendly spirit amongst themselves. Hence, it is not only a benefactor for Omaha, but for the state as well. Past kings have grown gray in its service with never changing loyalty. Never were kings of old more faithful to their subjects than the much honored though democratic kings of the realms of Ak-Sar-Ben. Selected anew each year, they yet are kings to Omaha forevermore, whilst their faithful subjects from the ranks, the real workers of the year, sacrificing their time and energy season after season, are ever ready to begin the work again, knowing full well that their efforts mean a Greater Omaha spirit.

The progress which Omaha has exhibited of late years towards a quickened spirit and wonderful growth, has been marvelous, and whilst its geographical position, its virile people, its golden grain, its enormous live stock

industry, and the natural heritage of wealth with which the Creator endowed it, are all contributing factors to its success, yet the school of loyalty begun in the old days of panic and adversity, by that little band of loyal Knights of Ak-Sar-Ben, has now matriculated into an order, most unique, a part of the fiber of the city itself, exerting a greater influence as years roll by, making possible the fraternal and cohesive spirit so strongly characteristic of the people of Omaha today, and known now throughout the United States as the Knights of Ak-Sar-Ben.

Its officers for the present year, 1917-1918, are: President, E. Buckingham; vice president, Gould Dietz; secretary, J. D. Weaver; treasurer, Chas. L. Saunders; board of governors, Chas. D. Beaton, C. E. Black, George Brandeis, Randall K. Brown, E. Buckingham, Gould Dietz, W. B. T. Belt, W. D. Hosford, F. W. Judson, L. C. Nash, J. DeF. Richards, C. L. Saunders.

Following is a list of the kings and queens since the organization of the society:

- 1895 E. M. Bartlett and Meliora Woolworth Fairfield.
- 1896 Casper E. Yost and Mae Dundy Lee.
- 1897 Edward Porter Peck and Gertrude Kountze Stewart.
- 1898 Robert S. Wilcox and Grace Allen Clarke.
- 1899 William D. McHugh and Ethel Morse.
- 1900 Fred A. Nash and Mildred Lomax.
- 1901 Henry J. Penfold and Edith Smith Day.
- 1902 Thomas A. Fry and Ella Cotton Magee.
- 1903 Fred Metz and Bessie Grady Davis.
- 1904 Charles H. Pickens and Ada Kirkendall Wharton.
- 1905 Gurdon W. Wattles and Mary Lee McShane Hosford.
- 1906 Gould Dietz and Margaret Wood Cranmer.
- 1907 Victor B. Caldwell and Natalie Merriam Millard.
- 1908 Will L. Yetter and Brownie Bess Baum Rouse.
- 1909 Arthur C. Smith and Jean Cudahy Wilhelm.
- 1910 Everett Buckingham and Frances Nash.
- 1911 Joseph Barker and Elizabeth Davis.
- 1912 Thomas C. Byrne and Elizabeth Pickens Patterson.
- 1913 Charles E. Black and Elizabeth Congdon Forgan.
- 1914 Charles D. Beaton and Frances Hochstetler Daugherty.
- 1915 Ward M. Burgess and Marian Howe.
- 1916 John Lee Webster and Mary Megeath.
- 1917 W. D. Hosford and Elizabeth Reed.

DEVELOPMENT OF THE POTASH INDUSTRY IN NEBRASKA. The name "potash" is of comparatively recent origin and is derived from the fact that the potassiferous solution from

wood ashes was boiled down or concentrated in pots. The most important source of its supply has been the region near Strassfurt, in Prussia, where two minerals containing potassic compounds have been found in abundance and mined on a large scale. From these potassiferous compounds all the various salts of potash used in the arts, are manufactured, and it has been by using the potash salts obtained at Strassfurt that the Chile saltpeter (nitrate of soda) is converted into common saltpeter, a substance important as the principal ingredient in the manufacture of gunpowder. Potash compounds are also numerous and of great importance in the arts.

The potash industry of Nebraska, originating with some small shipments of alkali crusts collected from the shores of McCarthy lake, in Morrill county, and shipped to Omaha, represents an investment and value of several million dollars. The potash area containing the producing lakes extends about thirty miles north and south and between twenty and thirty east and west, and production at the present time is confined to Sheridan, Garden, and Morrill counties. The district is in what is known as the sand hill region, and occupies nearly equal areas north and south of the C., B. & Q. railroad. Lakes with more or less of potash occur in other counties, but of all discovered, at least seventy-five are known to contain potash in paying quantities. The lakes occur in two physiographic regions; the table lands, such as Box Butte table, on the sand hills, but mostly in the bottom. The presence of the railroad has in a great degree rendered possible the advantageous prosecution of the industry. Towns such as Hoffland, Antioch, and Lakeside mark the principal locations of the potash plants. A few of the lakes have an area of 600 or more acres, while others are mere ponds, and alkali and fresh lakes are found side by side. The strong water is called brine, and in determining the value of brines, two things stand out prominently: the percentage of soluble salts and the percentage of K_2O in the salts.

The brines contain compounds, principally of potassium and sodium, and traces of

magnesium, calcium, iron, etc. The compounds are principally sulphates, carbonates, and chlorates. The relative amounts of sodium and potash vary considerably in the potash region. By the percentage of potash is meant the per cent in the water, or in the solids of the water. For example, a brine running 16 per cent solids and 28 per cent of that as potash (K_2O) would be reported: potash 28, or as potash, 4.44. Both of these are correct, but they refer, in the one case, to the solids, and in the other, to the water and salts combined.

The following compounds occur in the alkali lakes of Nebraska, but in varying proportions:

Potassium carbonate, K_2CO_3 — called pearl ash.

Potassium bi-carbonate, $KHCO_3$.

Sodium carbonate, Na_2CO_3 — called soda ash.

Sodium bi-carbonate, $NaHCO_3$ — called cooking soda.

Calcium carbonate, $CaCO_3$ — called lime.

Potassium sulphate, K_2SO_4 .

Sodium sulphate, Na_2SO_4 — called Glauber salts.

Magnesium sulphate $MgSO_4$ — called Epsom salts.

Calcium sulphate $CaSO_4$ — called gypsum

Potassium chloride, KCl — called sylvite.

Sodium chloride, $NaCl$ — called halite or common salt.

Usually the brines of producing lakes contain about equal percentages of potash and soda salts. A sample collected from a well in Jesse lake contained the following:

Potassium oxide (K_2O)	28.18%
Sodium oxide (Na_2O)	27.79%
Sulphur trioxide (SO_3)	11.97%
Carbon dioxide (CO_2)	27.19%
Chlorine (Cl)	3.38%
Total	98.51%

The conditions which determine the accumulation of potash in sand hill lakes are about as follows: Comparatively fresh water enters the lakes from the highest point on the surrounding ground water, which usually is to

the west. This seepage supply, though constant or nearly so, is most in evidence as a rule, in fall and spring. The water entering some lakes, passes out at once. In others it is held back by a sand dam, or by the natural form of the basin. In case the water is retained, the principal loss is through solar evaporation which becomes very heavy in the summer time. It is safe to state that about five feet of water would evaporate from one of these lake surfaces in a year.

The alkali solutions are concentrated by evaporation. Alkali lakes deposit salts in their beds as the water lowers. This gives a fringe or belt of incrustations, the color of which varies from white to yellowish.

The methods used in leasing potash lakes and oil lands are similar. The work is done by private parties, or by the representatives of promoters who expect to turn the leases to some company, or by the operators themselves. In either case the person going to the field supplies himself with information concerning the ranch owners, and the names and locations of lakes. He visits the owners and urges the desirability of leasing according to his terms. The leases bind the lessor and lessee to a number of conditions relating to testing, erection of a plant, pumping, etc.

As most potash is derived from the beds of lakes, that is, from the sub-surface, it is the practice to test out the waters below the lakes proper. This is done by putting down wells fifteen to forty feet by drilling. At first the production (of the brine) was from lake waters, but now the principal production is from the sub-surface sands. Production is by pumping and the brines are delivered to the reduction plants through pipe lines. High suction pumps are required to remove the brine. From 100 to 200 wells are connected with each pump. The pumping is done by motor-driven or gas engines. Pipe lines lead from the producing lakes to relay stations, and thence to the reduction works; some of them are wood, wrapped with heavy wire, and about six inches in diameter. The brines are treated in reduction plants.

The evaporation of brine is the main pro-

cess in potash production. It requires extensive equipment and about seventy-five per cent of the coal consumed in a plant.

In its simplest form, evaporation is done in open pans and by the use of direct heat. This method, used by small operators, is slow and wasteful of fuel.

The large plants use multiple evaporators — in double and triple effect. The evaporators are operated part under pressure and part under vacuum. Each evaporator consists of a steam chest, a liquid circulating space and a vapor space. Live steam enters the chest of the first body in the series and causes the brine to boil. The vapor given off in this evaporator is carried to the second body and so on through the series. The boiling point becomes lower in each succeeding evaporator. This is due to vacuum brought about by means of a pump and condenser.

In most plants the brines are evaporated to some extent by the use of solar towers. The condensation of vapor in the last effect or effects is produced by pumping water through a condenser, from which it goes to the cooling tower or to a spray pond. The tower is essentially one of the effects.

The Potash Reduction Plant, the first in the field, is at Hoffland, eleven miles east of Alliance, and has by changes and improvements developed works costing many thousands of dollars. Mr. John H. Show deserves credit for inaugurating the enterprise. Associated with him was Mr. Carl Modesitt, a graduate of the State University. Messrs. T. E. Stevens, W. H. Austinberg, Hon. William A. Redick, and Dr. H. Reinbolt, financed the field examination and the erection of the first plant. Messrs. V. I. Jeep and C. C. Denny, former University students, were also associated with the company. This plant represents an investment of between \$500,000 and \$600,000, and an output of about eighty tons a day.

The Hord Alkali Products Company operates at Lakeside and has large holdings of ranch lands, on which are its ponds and lakes. The plant itself cost more than \$200,000 and has a capacity of about fifty tons a day. Its offices are at Central City. Heber Hord is

president and W. E. Richardson, manager. Its output is shipped principally to southern states for use in the manufacture of fertilizers.

The American Potash Company is located at Antioch. Its office is in Omaha. Its president is Arthur English and A. J. Dunbar is superintendent. Its capacity is about eighty tons a day, and its total production for 1917 was sold to the American Agricultural Chemical Company. It is capitalized at \$250,000.

The Nebraska Potash Works Company is also located at Antioch, and has pipe lines extending to various lakes.

The Alliance Potash Company, at Antioch, is owned chiefly by the Krause Bros. and Alliance people, and is said to be the most modern plant in that region. Its central office is in Alliance and the plant has a capacity of 100 tons, or more, a day.

The Western Potash Company is capitalized at about \$500,000 and holds valuable leases. It has erected a very modern plant at Antioch. Its central office is in Lincoln and W. E. Sharp is its president.

The National Potash Company contemplates the erection of a plant at Antioch with a capacity of 100 tons a day.

The cost of production of the potash varies in the different localities, and is difficult of definite ascertainment. The mean average of the cost of production is said to be \$30 per ton, or more. Before the European war, most of the fertilizer potash used in the United States came, as indicated above, from Germany. As this supply decreased, the price of the domestic product greatly advanced. Nebraska potash now sells at \$4.50 or more per unit, a unit meaning one per cent of potash (K_2O) in a ton in the material marketed—that is, a product carrying 28% K_2O may be sold at \$4.50 a unit, which would be \$126 a ton for the material marketed. The reduction companies pay the freight.

The high price of potash has been a great incentive to the development of the industry in Nebraska. Without this the industry would not be in its present condition. Most of the producers are deeply concerned regarding future prices.

Nebraska produces about seventy-five per cent of the entire potash output of the United States, and with the exception of Searles Lake, in California, is the only place in this country where potash is produced from alkali lakes.

CHAPTER XXXV

SEMI-CENTENNIAL CELEBRATION — NEBRASKA AND THE GREAT WAR

One of the most interesting and profitable pages in the history of the state is the semi-centennial celebration of the admission of Nebraska into the Union. This celebration took place in 1917 under the direction of the State Historical Society. The Honorable John L. Webster of Omaha, who had been president of the society for a good many years, appointed a committee of one hundred members to take charge of the celebration. This body of citizens was appointed to provide the means and to suggest a general program for a fitting commemoration of the fiftieth anniversary of the admission of Nebraska as a state. The dates of these two important events are March 1, 1867, and March 1, 1917. Gurdon W. Wattles of Omaha was made chairman of the committee of one hundred. The plans for the celebration included a pageant at Omaha in October, 1916, in connection with the Ak-Sar-Ben for that year. The committee of arrangements for Omaha consisted of Gurdon W. Wattles, Gilbert M. Hitchcock, E. E. Buckingham, C. E. Yost, Victor Rosewater, Norris Brown, Rome Miller, A. L. Reed, W. H. Bucholz, and W. A. Fraser. The celebration which the committee planned and guided was much greater in size and in its attractive features than anyone thought possible. The ceremonies were witnessed by more than 100,000 people. President and Mrs. Woodrow Wilson from Washington, D. C., were present and reviewed the pageant and President Wilson made an address.

The celebration in Lincoln took place in June, 1917, at the time of the commencement of the State University. The committee of arrangements for Lincoln was made up of H. M. Bushnell, H. B. Lowry, E. B. Sizer,

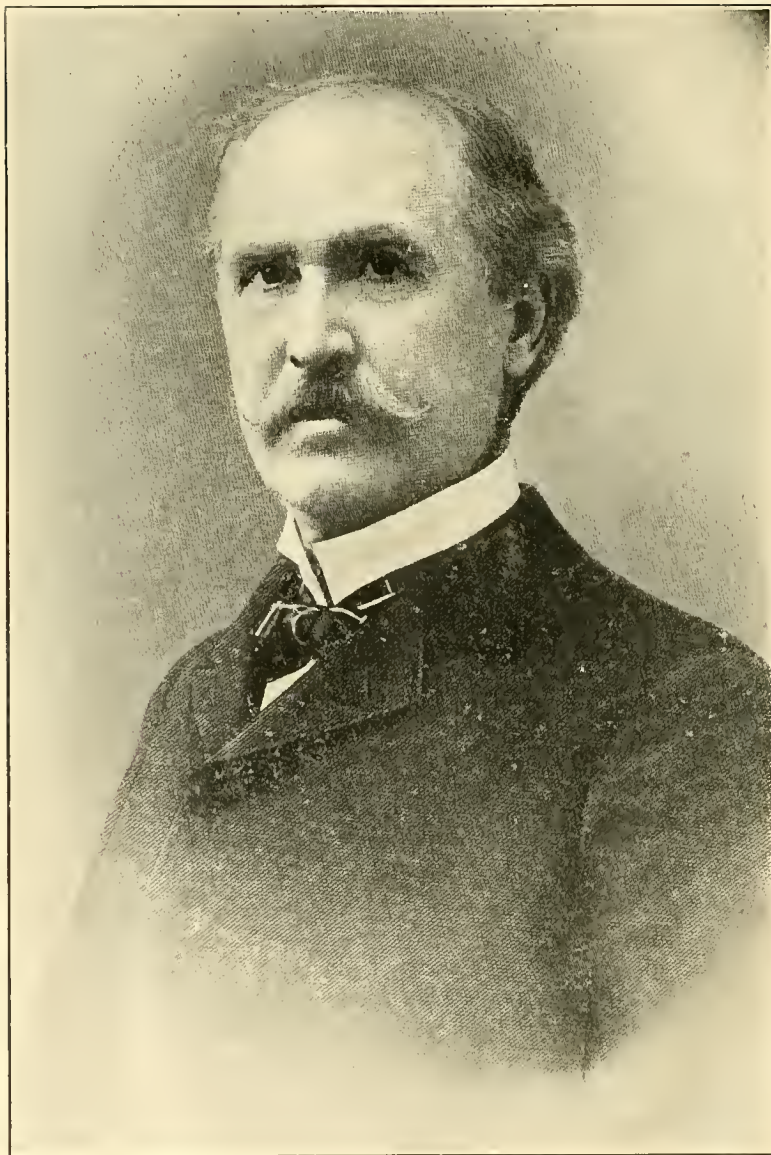
and A. J. Sawyer. The plans were made on a large and imposing scale. One of the most significant and attractive features was the address of ex-President Theodore Roosevelt.

The celebration was statewide and at almost every place was worthy of the people and of the occasion. The general committee for the state at large was made up of A. O. Thomas, at the time state school superintendent, Paul Jessen of Nebraska City, and Ross L. Hammond of Fremont. For each county in the state the committee was composed of the county superintendent, the mayor of the county seat city or town, the president of the commercial club, and the president of the woman's club. Local committees were encouraged to have, in addition to the county celebration, gatherings and exercises in honor of the occasion. The following is an outline of the plan in nearly every part of the state:

1. By way of special preparation and to create interest in the celebration on the part of all people the committee encouraged a study of Nebraska history, collection of historical data, and marking places which have been connected with the history of the state.

2. Making maps by the children and high school pupils of historic trails and of places of note during pioneer days.

3. Celebration on February 12th in all the rural and village schools of Nebraska. The committee suggested that the program include patriotic songs, the Nebraska patriotic ode, a brief account of the purchase of the Louisiana territory, a sketch of Nebraska as a territory and the place it occupied in the purchase, essays on various phases of local history, stories of the pioneers told by themselves wherever possible, and brief addresses by local speakers.



JOHN L. WEBSTER

4. Exercises fitting for the occasion to be held in the churches and Sunday schools February 25, 1917—the Sunday nearest Washington's birthday in that year.

5. The general or county celebration to be held March 1, 1917, by schools, commercial clubs, historical societies, churches, women's clubs, Daughters of the American Revolution, men's clubs, and civic societies.

6. The following is a copy of the program suggested by the committee:

(1) March 1, 1917, to be observed in a formal way by the state legislature as Nebraska Day.

(2) Moving pictures where they could be procured, showing local schools, local history, and local scenes of community and state development.

(3) Dramatization of local and state history.

(4) Addresses on the pioneer days and the stirring scenes which confronted our fathers in transforming the wilds into a garden of beauty.

(5) Nebraska, present and future, by local speakers.

(6) Historic carnival or pageant covering local and state themes.

7. County exhibitions and contests from all schools, spelling contests, ciphering matches, essay and oration, local contests, compositions on local history, collections of historic relics, and general school work.

8. Unveiling of pictures and statuary in court-houses, public libraries, and schools, of important characters who had to do with up-building of the community and of those whom it is a delight to honor.

To make all this the more valuable to the people as a whole and especially to children, pupils, and students Professor C. N. Anderson of the state normal school at Kearney prepared an outline for the guidance of teachers and others in collecting material on the history of the people of Nebraska. Among other suggestions are the following:

1. Collect real first-hand material on the history of the people.

2. Make a record of what is learned and

as near as possible in the language of the people.

3. Get, as near as possible, exact names, dates, places, and order of events.

4. Secure, when possible, old papers, letters, and diaries.

These directions were followed by others relating to the form in which they may be preserved.

To stimulate interest in the celebration the Honorable John D. Haskell of Wakefield, Nebraska, offered a prize of \$100 in 1916 for the best poem adopted as a state song for Nebraska. One of the conditions was that the ode to Nebraska should be written by some person who at the time was living in the state. The judges of the contest appointed by the state school superintendent were Dr. L. A. Sherman of the State University, Professor W. E. Nicholl of Bellevue College, and Miss Mary Crawford of the State Normal School at Kearney. The judges awarded the prize to the Rev. William H. Buss of Fremont. Mr. Haskell gave, also, a prize of \$100 for the best musical arrangement for the poem. This award was secured by Mr. John Prindle Scott of New York City.

THE ODE TO NEBRASKA

REVEREND WILLIAM H. BUSS, FREMONT

Now laud the proud tree planter state,
Nebraska—free, enlightened, great;
Her royal place she has in song;
The noblest strains to her belong:
Her fame is sure.
Then sing Nebraska through the years;
Extol her stalwart pioneers;
The days when, staunch and unafraid,
The state's foundations, well they laid,
To long endure.

The land where Coronado trod,
And brave Marquette surveyed the sod;
Where red men long in council sat;
Where spreads the valley of the Platte
Far 'neath the sun.
The land beside whose borders sweep
The big Missouri's waters, deep,
Whose course erratic, through its sands,
From northland on, through many lands,
Does seaward run.

The foothills of the Rockies lie
 Afar athwart her western sky;
 Her rolling prairie, like the sea,
 Held long in virgin sanctity,
 Her fertile loam.
 Her wild-life roamed o'er treeless plains,
 Till came the toiling wagon-trains,
 And settlers bold, far westward bound,
 In broad Nebraska's valley found
 Their chosen home.

Now o'er her realm and 'neath her sky,
 Her golden harvests richly lie;
 Her corn more vast than Egypt yields;
 Her grain unmatched in other fields;
 Her cattle rare;
 Alfalfa fields, by winding streams;
 And sunsets, thrilling poets' dreams;
 There all we sing, and know that time
 Has ne'er revealed a fairer clime,
 Or sweeter air.

O proud Nebraska, brave and free;
 Thus sings thy populace to thee.
 Thy virile strength, thy love of light;
 Thy civic glory, joined with right,
 Our hearts clate.
 Thy manly wisdom, firm to rule;
 Thy womanhood in church and school;
 Thy learning, culture, art and peace,
 Do make thee strong, and ne'er shall cease
 To keep thee great.

(To be included when desired)

Her heaving bluffs uplift their heads
 Along her winding river-beds.
 And, pleasing far the traveler's view,—
 Well guard her Elkhorn and her Blue,
 Encrowned with wood.
 And there, by landmarks, ne'er to fail,
 Upon the ancient westward trail;
 Or graven stone, securely placed,
 By eye observant may be traced
 Where wigwam stood.

Her honored cities grow in wealth;
 In thriving commerce, public health;
 Her first, the gateway of the west;
 Her Omaha, that will not rest,
 Nor take defeat.
 Her capital of worthy fame,
 That bears the mighty Lincoln's name,
 And thousands of Nebraska's youth
 E'er summons to the fount of truth,
 At learning's seat.

The semi-centennial celebration, for its form, scope, spirit, success, and influence, owes

much to the members of many committees and to many citizens of the state, but more by far than to any other one person, to the Honorable John L. Webster of Omaha. For many years he had taken great interest in the history of the state and in the welfare, progress, and usefulness of the State Historical Society. During the period prior to the semi-centennial Mr. Webster had been president of the society. When the state was approaching 1917 he proposed to the members of the historical society the propriety of holding a celebration, the chief feature to be an historical pageant. His thought was that this should be of such a character that it would symbolize not only the development of Nebraska but, also, show the relation and position of the state to the opening and settlement of the great West. The idea and purpose appealed to the members of the society. All were in sympathy with it provided Mr. Webster would take the chairmanship of the committee and the responsibility which the position and undertaking carried with them. It is well known beyond the limits of Nebraska that Mr. Webster is a collector of art treasures and one of many people in his city who cultivate the best there is in art and in art ideals. He is known as the founder of the Friends of the Art Association. This love of art in part gave shape and color to the pageant in Omaha, and to the celebration in the various parts of Nebraska. While much had been done by the Historical Society in collecting and preserving treasures of value and interest relating to the people and to the history of the state during the years since its organization, much more will be done in the future because of the semi-centennial celebration.

NEBRASKA AND THE GREAT WAR IN EUROPE. The foregoing pages have for their scope and purpose an account of the earliest days of which we have any knowledge—days before the white man saw the vast plains and rich uplands now within the borders of the state and before he crossed the valley of the Platte or the Elkhorn. These pages give an account, also, of the movements of daring

hunters and industrious trappers; a history of the early settlements and pioneer days, of those who lived in log houses and sod dwellings, of the organization of Nebraska into a territorial division, and of its admission to membership in the federal union. This is followed by a record of the fifty years of statehood which lie between March 1, 1867, and March 1, 1917.

As these pages are passing through the press the greatest war in all history is raging in Europe. Our own nation, by the authority of the Congress of the United States and that authority seconded and made effective by the proclamation of the President in the name and on behalf of the American people, entered into the struggle April 6, 1917. Our purpose in taking part with Great Britain and France and the other allied nations was then and is now that civilization may not perish from the earth. To this end all peoples, great and small, must have the opportunity to test self-government for themselves, and to cherish democratic principles, to work out their own

destiny in peace and quiet and to achieve, unmolested, the growth and position a benign Providence desires and makes possible.

Nebraska, as she ought, is playing an important part in that her soldiers and sailors, her nurses and Red Cross workers, her chaplains and Y. M. C. A. secretaries, her purchase of liberty bonds and payment of war taxes, and her many other war activities are known and recognized everywhere. An account of Nebraska's place and work, devotion and sacrifice to win a complete victory and thus secure a lasting peace is not given in this volume for two reasons: (1) This is the semi-centennial history of the state; and (2) It cannot be known and told until the war closes, what part Nebraska shall take in what is now an unfinished task.

When the righteous ends of this war shall have been secured—as most assuredly they will be—Nebraska's contribution will be written. Nebraska's unfinished task is to help to win the war now, and then to write the history of the part taken in it.

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